THE RELIGIOUS ESTABLISHMENT IN ITHNĀ'ASHARĪ SHĪ'ISM

A STUDY IN SCHOLARLY AND POLITICAL DEVELOPMENT

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ABSTRACT

This thesis deals mainly with the historical development of the religious institution of Ithnā'asharī Shī'ism in both its scholarly and political aspects. It is divided into six chapters. The word "school" has been used to describe the place in which such an institution had flourished due to the activities of its *fuqahā'* in response to their turbulent history, whether it was in Iraq, in Bilād al-Shām (Greater Syria, i.e. Syria and Lebanon) or in Iran.

Chapter one deals with the Baghdad School. It includes a study of the scholarly development right from the begining of the *fuqahā'* institution during Shaykh al-Mufīd's times (d. 413/1022) and ending with Shaykh al-Ṭūsī (d. 460/1068).

Chapter two follows the development of this scholarly renaissance at the hands of the Ḥilla *fuqahā'*, starting with Ibn Idrīs al-Ḥillī's time (d. 598/1201) and ending with Fakhr al-Muḥaqiqqīn ibn al-'Allāma al-Ḥillī (d. 771/1369), and investigates the relationship between the religious institution and the Mongol invaders of Iraq and the ideological influence of the Ithnā'asharī *fuqahā'* on the leaders of the invaders.

Chapter three, on the Jabal 'Āmil school, deals in part with the unsettled period of the Mamlūk state, its struggle against the Mongols and the internal situation of the Shī'a vis-a-vis the Mamlūks.

It also deals in part with the influence of the Jabal 'Āmil *fuqahā'* on the Ṣafawid state after these *fuqahā'* had migrated there. Particular attention is paid to the role of Shaykh al-Karakī (d. 940/1533) and his attempt to build a religious institution inside Ṣafawid Iran, and the opposition that he met. The chapter ends with a study of the Akhbārī Movement in its first stage, during the time of Muḥammad Amīn al-Astarābādī (d. 1033/1624).

Chapter four focuses on the Najaf School, which had started about two hundred years before as an intellectual school. The development and activities of this school from the beginning of the thirteenth/nineteenth century, are discussed, as is its position regarding the emergence of the Wahhābī Movement, the Akhbārī Movement (in its second phase) and the Shaykhī Movement. The chapter also deals with the political activity of the *fuqahā'* in their struggle against the Qājārī state, which had been manifested in the *fatwā* prohibiting tobacco and in the Constitutional Movement.

Chapter five deals with the struggle of the Najaf *fuqahā'* from the start of the Republican period (1958) until the beginning of the 1990s. This is preceded by an introductory remark concerning the position taken by the *fuqahā'* towards the British forces who entered Iraq after the First World War and the events of the Iraqi Revolution of 1920.

Chapter six has been dedicated to a study of the Qumm school. It looks at the historical development of that city, with particular attention to the role of Shaykh 'Abd al-Karīm al-Ḥā'irī al-Yazdī (d. 1355/1936) in supervising an elite of *mujtahids* who have participated in the renewal of this city. The most outstanding figure, however, must be Āyatallāh al-Khumaynī who laid the foundation of the *wilāyat al-faqīh* when he succeeded in 1979 in bringing down the Monarchy and declared Iran an Islamic Republic.

It is worth stressing that the study, despite its mention of fairly complicated historical events, such as the Tobacco Movement, the Constitutional Movement etc., concerns itself principally with the role of the *fuqahā'* in these events and their position within them. It does not go into other details which fall outside the scope of the work.

The study has dealt also with the development of intellectualism in the organisation of the *fuqahā'*, but it did not concentrate on the changes in individual subjects, such as, *fiqh*, *uṣūl*, *kalām*, *rijāl* or *ḥadīth*. But it concentrated on the time these subjects appeared and the developments of writings about them afterwards.

Most recent Shī'ī writers who are interested in the development of the religious organisation from both the political and intellectual aspects, have continued to keep a balanced position in explaining historical events and to deal with them in a traditional way. In doing so the sum of their results appears to be subjected to that traditional point of view, which consequently has an effect on the proper and logical explanation of those matters.

The study has highlighted some events that were not thought to have any importance before[1], such as:-

1-The divorce of Sulṭān Ūljāytū from his wife, which led to the embracing of the Shī'ī faith by the Mongol empire.

2-The events that led the assassination of the First Martyr (al-Shahīd al-Awwal) by the Mamlūks.

[1]Some of the Conclusions have a number of specialists in Shī'ī studies to refer to them. The historian Ḥasan al-Amīn has reffered to some of them in his *Dā'irat al-Ma'ārif al-Islāmiyya al-Shī'iyya*, third edition, 1995, under the title of "al-Akhbāriyya", Vol. II.

He has also shown his interest in the conclusion the study has reached in relating the divorce of Sulṭān Ūljāytū from his wife and embracing of the Shī'ī faith in the Mongols Kingdom. He considered this as one of the new opinions.
al-Amīn, Ḥasan, *al-Maghūl byn-l-Wathaniyya wa-l-Naṣrāniyya wa-l-Islām*, third edition, Beirut, 1993, p. 355-359.

3-The hidden struggle between the Ṣafawids and Shaykh al-Karakī, and his subsequent assassination, behind which were the Ṣafawids rulers.

4-The strong relation between Shaykh Ja'far Kāshif al-Ghiṭā', the Imāmī leader, and the leader of the Wahhābīs, Muḥammad ibn 'Abd al-Wahhāb, a friendship which helped to save the Shī'ī holy cities from the Wahhābī attacks during that time.

CHAPTER I

THE SCHOOL OF BAGHDAD

At a time of deep political divisions and the rise of independent small states across the Islamic world,[1] Baghdad was in the hands of the 'Abbasid caliphs, who still exercised some moral sway over the small states. The small principalites, in turn, bought honours and titles from the acknowledged religious centre, and dedicated prayers and orations to the caliphs.[2]

The Buwayhids originated from al-Daylam and used to live in the mountains situated on the southwestern coast of the Qazwīn sea.[3] They were introduced to Islam by a famous Ithnā'asharī *faqīh* named al-Ḥasan b.'Alī al-Aṭrūsh,[4] also known as al-Nāṣir al-Kabīr Ṣāḥib al-Daylam (225-304/840-916), who united them and conquered Ṭabaristān in 301/913.[5]

But the situation worsened in Baghdad after the struggle for the honour of *Imārat al-Umarā'* and the unceasing wars between the Daylamī and Turkish

[1]Ibn al-Ṭiqṭaqā, *al-Fakhrī fī-l-ādāb al-sulṭāniyya*, Beirut, 1980, p.280.

[2]For the relation of the Buwayhids with the 'Abbāsid Caliphs see Kabir, Mafizullah, *The Buwayhid Dynasty of Baghdad*, Calcutta, 1964, p.186.

[3]Davies, C. Collin, "Buwayhids" or "Būyids", *The Encyclopaedia of Islam*, Vol.I, Leiden, 1960, p.1350.

[4]In *Sharḥ al-masā'il al-nāṣiriyya,* al-Murtaḍā says that al-Aṭrūsh was an Imāmī *'ālim* and that his descendants shared his belief, and al-Nūrī that "(al-Aṭrūsh) was the author of many writings on the Imāmī doctrine, and he Islamized Ṭabaristān and al-Daylam under the caliphate of al-Muqtadir, then he died or was martyred in Āmul". Yet sometimes he is designated as an Imāmī, sometimes as a Zaydī, maybe due to the coincidence between his name, nickname, and place of death, and al-Ḥasan b. Zayd's (d. 250/864), who is said to be the Imām of the Zaydīs, nicknamed *al-Dā'ī bi-l-Ḥaqq*. See al-Nūrī, al-Mirzā Ḥusayn, *Mustadrak wasā'il al-Shī'a,* Vol.III, Qumm, 1903, p.516; 'Abd al-Ḥusayn al-Ḥillī, *Muqaddimat 'Abd al-Ḥusayn al-Ḥillī 'alā Ḥaqā'iq al-ta'wīl li-l-Sharīf al-Raḍī*; al-Ṭihrānī, *al-Dharī'a ilā taṣānīf al-Shī'a,* Vol.VII, p.16; al-Ṣaffār, *Muqaddimat al-Ṣaffār 'alā Dīwān al-Murtaḍā*, Vol.I, p.48.

[5]Bāshā, Ḥasan, *Dirāsāt fī Tārīkh al-Dawla al-'Abbāsiyya,* Cairo, 1975, p.86.

military castes. Aḥmad b. Buwayh entered the city victoriously in 334/945,[1] after defeating the Turks. Therefore the caliph al-Mustakfī greeted him and conferred on him the titles of *Amīr al-'Umarā'* and *Mu'izz al-Dawla*.[2]

The Buwayhids were concerned to perpetuate the title of *Amīr al-Mu'minīn* borne by the Abbasid caliph.[3] They actually considered the latter as a still strong religious symbol which must be left untouched. Moreover, they had no definite doctrinal programme, at a time when the Ithnā'asharī conceptions were themselves not yet clear enough for the elaboration of a defined political project.

While maintaining the caliphal functions, the Buwayhids tried to take advantage of them, just safeguarding their appearances. Furthermore, they conferred on the caliphs many other titles, as substitutes for their names and their lost effective power.[4] These titles referred to state ceremonies and other display attributes, such as *al-Maqāmāt al-Sharīfa* (the Noble Ranks), *al-Majlis* (the Council), *al-Ḥaḍra* (the Presence), etc.

Buwayhid power was distinguished by a remarkably open-minded policy. Unlike earlier forms of rule, it firmly established freedom of thought, encouraging rapprochement between doctrines and free expression.[5] Ash'arite and Mu'tazilite leaders could freely dispute their views with the proponents of other opposing doctrines. Doctrines and sectarian discussions increased to such an extent that opinions became complicated and scattered, especially on subjects related to *'ilm al-kalām*, where lines were difficult to draw, such as

[1] al-Jumaylī, Rashīd 'Abdallāh, *Dirāsāt fī Tārīkh al-Khilāfa al-'Abbāsiyya,* Rabaṭ, 1983, p.190.

[2] Donaldson, Dwight M., *The Shi'ite religion,* London, 1933, p.275.

[3] Sha'bān, Muḥammad 'Abd al-Ḥayy, *The 'Abbāsid Revolution,* London, 1970, p. 164; and see also Sha'bān, *al-Dawla al-'Abbāsiyya,* Beirut, 1981, p.196.

[4] Bāshā, *Dirāsāt fī Tārīkh al-Dawla al-'Abbāsiyya,* pp.93-94.

[5] Sha'bān, *al-Dawla al-'Abbāsiyya,* p.196.

the attributes of the Creator, the free will of man, the relations between the Imāmate and the caliphate, etc.

Yet the Buwayhids were less interested in determining their doctrinal adherence than they were in keeping the reins of political power. And although scholars generally agree about their embracing Shī'ism, they are not united on their doctrinal identity. Some assume that they were Zaydīs, some that they were Ismā'īlī, while others maintain that they were Ithnā'asharī.[1] For their part, Howard and al-Shībī hold that the Buwayhids started by being Zaydīs and later joined the Ithnā'ashariyya for political reasons, in order to constitute a group of Iraqis who could protect them and consolidate their power.[2]

The Buwayhid political project remained unclear, and the *faqīhs* of the Ithnā'ashariyya went on with their rapprochement policy towards the Buwayhid power without questioning its legitimacy.[3] Neverthless, a famous Ithnā'asharī *faqīh,* al-Murtaḍā (355-436/966-1044), wrote in 415/1024 an essay entitled *Mas'ala fī al-'amal ma'a al-Sulṭān*[4] (About co-operating with the Prince), where he tried to answer a question he had been asked by the *wazīr* Ibn al-Maghribī (d. 418/1027) on whether it was licit or not to co-operate with Buwayhid power. Basing his opinion on evidence from the Qur'ān, the Sunna and reason (*'aql*), al-Murtaḍā answered positively, provided this co-operation took place "within the general Islamic interest".

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[1]Maḥmūd, Ḥasan Aḥmad, *al-'Ālam al-Islāmī fī al-'aṣr al-'Abbāsī,* Cairo, 1966, p.526;al-Shābbī, 'Alī, *al-Shī'a fī Īrān,* Tunis, 1980, p.133.

[2]See al-Mufīd, Muḥammad ibn al-Nu'mān, *Kitāb al-Irshād* (The book of guidance into the lives of the Twelve Imams), translated by I. K. A. Howard, London, 1981, p.xxi, al-Shībī, Kāmil Muṣṭafā, *al-Ṣila bayn-l-Taṣawwuf wa-l-Tashayyu',* Vol. II, Beirut, 1982, p.39.

[3]Rasūl, Fāḍil, "al-Dīn wa-l-dawla wa-l-ṣirā'āt al-shar'iyya", *al-Ḥiwār,* No.6, Beirut, 1987, p.51;Donaldson, *Ibid*, p.277.

[4]This work was published in the third volume of al-Sharīf al-Murtaḍā's writings, Qumm, 1985, p.89.

Under the Buwayhids, three Ithnā'asharī *faqīhs* successively led the community. Muḥammad b. Muḥammad b. al-Nu'mān, nicknamed al-Shaykh al-Mufīd (336-413/948-1022), was the first *faqīh* to be considered as the pioneer of the *ijtihād* school of the Ithnā'ashariyya. The two others were his disciples, al-Murtaḍā and al-Ṭūsī (385-460/995-1068).

The three leaders fulfilled their roles in accordance with the prevailing circumstances; they rationalized the grounds of Ithnā'asharī doctrine and had recourse to the knowledge they inherited to lay the foundations of the ideological principles of the community. Their lives covered the rule of 'Aḍud al-Dawla (367-372/978-983) and extended to the fall of the Buwayhids and the emergence of their Seljuk conquerors (448/1056).

The first period of their influence was characterized by the stability of Buwayhid rule. As a consequence of freedom and tolerance, Baghdad became a centre attracting spiritual and religious leaders from all over the Islamic world. Yet the religious institution of the Ithnā'ashariyya, while developing, did not achieve any significant political progress, and stayed at the mercy of the uncertain course of events. Though times were generally clement, some jurists were submitted to harsh treatment in spite of their prudence. But al-Mufīd succeeded in consolidating the Ithnā'ashariyya.

This traditionalist current, represented by al-Mufīd, was in high favour with the masters of Baghdad, particularly with 'Aḍud al-Dawla himself. The mighty governor used to visit the Shī'ī leader at home, and to organize and attend in person public intellectual meetings where opposing conceptions were discussed.[1] According to some biographers, when al-Mufīd had the

[1] Ibn Kathīr, *al-Bidāya wa-l-nihāya,* Vol.XII, Beirut, 1982, p.15; Ibn al-Jawzī, *al-Muntaẓam,* Vol.VIII, p.11.

upper hand over the Qāḍī 'Abd al-Jabbār al-Mu'tazilī (d.415/1024) in discussions about the Imāmate, 'Aḍud al-Dawla showered him with valuable gifts and allotted him lands around Baghdad and grants for his disciples.[1]

On the other hand, 'Aḍud al-Dawla was on his guard against other Ithnā'asharī political personalities like Abū Aḥmad al-Ḥusayn al-Ṭāhir (303-400/915-1010), father of al-Sharīf al-Murtaḍā and al-Sharīf al-Raḍī, who was exiled to Shīrāz in 369/980, as he was accused of supporting some members of the Buwayhid dynasty against 'Aḍud al-Dawla.[2] The hostile attitude of 'Aḍud al-Dawla towards al-Ṭāhir may also be related to his resentment against the sons of al-Nāṣir al-Kabīr al-Ḥasan b.'Alī al-Aṭrūsh. Al-Sharīf al-Raḍī (359-406/970-1015) had inherited the 'rebellious' trend of his father, since he saw that the Buwayhid state should have come by right to his maternal grandfather al-Nāṣir al-Kabīr (225-304/840-916). With 'Aḍud al-Dawla being almighty and popular in Iraq, al-Raḍī's anger was expressed in allusive poems.[3]

The second period started with the death of 'Aḍud al-Dawla. His absence brought about harsh changes for al-Mufīd and the trend he represented, as well as for the whole Shī'ī community. Violent conflicts opposed the various pretenders to the helm of the Buwayhid dynasty, whilst internal forces caused grave troubles, taking the exclusion of Sunnī groups as a pretext.

In the last decade of the fourth century A.H. the political pressure had reached such a critical point that the Buwayhids came to abandon their Shī'ī proclamation. For fear of provoking Sunnī resentment, al-Ḥasan b. Abī Ja'far (d. 401/1011), known as *'Amīd al-Juyūsh,* was nominated *wazīr* by Bahā' al-

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[1]Baḥr al-'Ulūm, Ja'far, *Tuḥfat al-'ālim fī sharḥ khuṭbat al-ma'ālim,* Vol.I, Tehran, 1981, p.211.

[2]'Umar, Fārūq, *al-Khilāfa al-'Abbāsiyya,* Baghdad, 1986, pp.468-472.

[3]Abū 'Ilawī, Ḥasan Maḥmūd, *al-Sharīf al-Raḍī, dirāsa fī 'aṣrih wa-adabih,* Beirut, 1986, p.75.

Dawla in 392/1002, and prohibited two traditional Shī'ī ceremonies, the public celebration of *al-Ghadīr* and the commemoration of *'Ashūrā'*. A year later, al-Mufīd was exiled from Baghdad (393/1003).[1]

In 398/1008, al-Mufīd was attacked while praying in his mosque. This action resulted in revenge against two great Sunnī judges.[2] The authorities seized the opportunity and ordered the burning of the Shī'ī quarters in the west of Baghdad, exiling al-Mufīd once again. Some biographers report that he was allowed to come back to the city at the request of 'Alī b. Mazyad al-Asadī (d. 408/1017),[3] governor of the Mazyadī Shī'ī emirate of al-Ḥilla.[4]

It does not appear that al-Mufīd was in any way responsible for insitigating these disturbances but it appears that the Buwayhids, in order to preserve order and give an apearance of even-handed justice, felt it necessary to find a scapegoat among the Shī'īs.[5]

Except for speculations by some contemporaries,[6] no biographer mentions the city to which al-Mufīd was exiled, but it is clear that both the attack he was victim to and the destruction of the Shī'ī quarters were designed to appease Sunnī opposition to Buwayhid power.

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[1]Ibn al-Athīr, *al-Bidāya wa-l-nihāya,* Vol.XI, p.428.

[2]*al-Muntaẓam,* Vol.VIII, p.11.

[3]Ibn al-Athīr, Vol.IX, p.71.

[4]al-Imāra al-Mazyadiyya was established in the late fourth/tenth century by the Mazyadīs, the Shī'ī Arab tribes, who ruled the region during the period 387-558/997-1162; see Karkūsh,Yūsuf, *Tārīkh al-Ḥilla*, Vol. 1, Najaf, 1965, pp.15-46; Nājī, 'Abd al-Jabbār, *Al-Imāra al-Mazyadiyya*, Baghdad, 1970, p. 22; al-Amīn, Ḥasan, *Dā'irat al-ma'ārif al-Shī'iyya*, Vol. 3, p:127.

[5]Howard's introduction to *Kitāb al-Irshād* by al-Mufīd, p. XXI.

[6]Baḥr al-'Ulūm, *al-Dirāsa wa-tārīkhuhā fī-l-Najaf,* p.16.

At the same time, al-Mufīd was facing hostile currents within the Ithnā'asharī movement. He withstood the tribulations of the period subsequent to his master Muḥammad ibn Aḥmad ibn al-Junayd al-Askāfī (d.381/991) and a *faqīh* contemporaneous with al-Kulīnī (d.328 or 329/941or 942), al-Ḥasan ibn 'Alī ibn Abī 'Aqīl al-'Umānī. In fact, most of the Ithnā'asharī jurists had condemned Ibn al-Junayd's recourse to *ijtihād* in legal qualifications, although it must be recalled that Ibn al-Junayd was using *ra'y*. To refer to it as *ijtihād* is anachronitie. They considered it as a violation of the Ithnā'asharī doctrine that excludes the use of *qiyās* (analogy) or *ra'y* (personal opinion) to elicit qualifications. With regard to this matter, their view easily prevailed, especially because analogy and personal opinion were two of the legal evidences recognised earlier by the Sunnīs. That was the reason why al-Mufīd showed great vigilance against the intruding opinions and the extremist trends praised by some sects. He undertook to protect the Ithnā'ashariyya from both internal and external threats.

1-<u>The internal reaction</u> :

In the doctrinal field, al-Mufīd applied himself to ridding the doctrine of the above mentioned deviations. He refuted his master Ibn al-Junayd, who was said to be under the influence of the Sunnīs, on this and several other points.[1] Al-Mufīd's disciples adopted his concepts, but 200 years later, Ibn al-Junayd was rehabilitated by the *faqīhs* from the school of al-Ḥilla. In fact, al-Muḥaqqiq al-Ḥillī (602-676/1206-1277) and al-'Allāma al-Ḥillī (648-726/1250-1325) took his writings as a reference and reported many of his opinions in their works.

[1]al-Ṣadr, Muḥammad Bāqir, *al-Ma'ālim al-jadīda*, Najaf, 1972, p.55.

Regarding al-Mufīd's severe attitude, it seems that he wanted on the one hand to purge the doctrine and on the other hand to reassure the conservative wing of the Ithnā'ashariyya, so as to prevent any potential criticism of his *ijtihād*. Besides, he intended to create scholars capable of leading the Ithnā'ashariyya. His school actually turned out disciples like his successors al-Murtaḍā, al-Ṭūsī and Abū al-Fatḥ al-Karājukī (374-449/984-1057) who became the leader of the Ithnā'ashariyya in Bilād al-Shām.[1]

2-The external reaction :

In his confrontation with the opposing factions, al-Mufīd adopted either direct dialogue with their leaders or written criticism based on different opinions. Biographers reported his aptitude for debate and polemic, while his art of oratory predominated over the rest of his scholarly capacities to such an extent that he composed *al-'Uyūn wa-l-maḥāsin*, "The choicest and the merits", comprising most of his polemics. The original is lost but al-Murtaḍā tried to correct this compilation and summarized it in *al-Fuṣūl al-mukhtāra min al-'Uyūn wa-l-maḥāsin*.[2]

In addition to the names of the greatest Mu'tazilī, Ash'arī, Zaydī, Ismā'īlī and *muḥaddithūn* leaders, al-Mufīd's book cites the points of view of contemporaries and their antagonists, describing also the intellectual and social life of this epoch and how the debates used to take place in the houses of the notables and the judges. Councils actually important from the scholarly point of view are mentioned in the works of al-Yāfi'ī, Ibn al-Nadīm and Abū Ḥayyān al-Tawḥīdī.[3]

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[1]al-Ṭūsī, *Muqaddimat Ḥasan al-Khirsān 'alā al-Tahdhīb*, Vol.I, p.16.

[2]This book was published in al-Najaf, 1964, and re-published in Beirut, 1983.

[3]al-Yāfi'ī, *Mir'āt al-Jinān*, Vol.III, p.28; Ibn al-Nadīm, *al-Fihrist*, p.252; al-Tawḥīdī, *al-Imtā' wa-l-mu'ānasa*, Vol.I, p.141.

Concerning Shī'ite political activities, it was al-Ḥusayn al-Ṭāhir, father of al-Murtaḍā and al-Raḍī, who represented this aspect, joining together the spiritual and temporal powers as he succeeded in reconciling the Buwayhids with the Ḥamdānids and in putting a term to the rebellion of Diyār Muḍar against the Buwayhid state (368/979).[1] On this occasion, al-Ṭāhir engaged in a deadly war with the rebels, proving himself an outstanding leader and winning great prestige. 'Aḍud al-Dawla thus feared him and deported him to Shīrāz (369/980), from where he was brought back to Baghdad by Sharaf al-Dawla (376-9/987-9), son of 'Aḍud al-Dawla, a few years after his father's death in 372/983.

The new Buwayhid governor re-established al-Ṭāhir's spiritual and political status and nominated him for the post of head of the *Naqabat al-Ṭālibiyyīn* (representatives of the family of Imām 'Alī), then appointed him chief of the Judges and supervisor of the pilgrimage.[2]

Al-Ṭāhir's political ambition possibly originated in his relationship with the family of al-Nāṣir al-Kabīr into which he had married and which had retained its political prestige. Among his sons, al-Raḍī had inherited this ambition, while al-Murtaḍā remained faithful to his master al-Mufīd's conceptions. Thus al-Murtaḍā kept aloof from the political conflicts in spite of his accession to the headship of the *Ṭālibiyyūn* society after al-Raḍī's death (408/1017), this function being hereditary.

Furthermore, his scholarly activity continued his master's efforts, notably on doctrinal matters related to *'ilm al-kalām* and *uṣūl,* which he developed and improved through well researched writings. Al-'Allāma al-Ḥillī even says that al-Murtaḍā emerges as the most efficient *faqīh* ever known by the

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[1]al-Murtaḍā, *Muqaddimat Muḥammad Riḍā al-Khirsān 'alā al-Intiṣār,* Beirut, 1982, p.9.

[2]Ibn al-Athīr, *al-Kāmil fi-l-tārīkh,* Vol.VII, p.217; *al-Muntaẓam,* Vol.VII, p.226.

Ithnā'ashariyya and that his work gave the doctrine its main basis.[1] His chief characteristic is the dominant role of reasoning which appears in his writings on *'ilm al-kalām,* legislation and *tafsīr.*

In accordance with this approach he rejected the isolated narratives (*riwāyāt al-āḥād)* and admitted only the multiple chain *(mutawātir)*. In doing so, he was the first to recommend reopening the door of *ijtihād.*[2] His independent mind led him to debate with his master about many points related to *'ilm al-kalām* and even to oppose vigorously his arguments. Sa'īd ibn Hibat Allāh al-Rāwandī (d. 579/1183) wrote a book on the 95 points of dissension relating to *'ilm al-kalām* between al-Murtaḍā and al-Mufīd.[3] Al-Murtaḍā also debated with the Mu'tazilīs, who shared his rational method, and he wrote out a voluminous book entitled *al-Shāfī*[4] where he refutes 'Abd al-Jabbār al-Mu'tazilī on the Imāmate.

After al-Mufīd's death (413/1022), the reputation of al-Murtaḍā grew even more when the Shī'is from all the neighbouring countries appealed to his knowledge, seeking answers on many religious matters. In 1985, his opinions and researches on *'ilm al-kalām* and *fiqh* were assembled into a book entitled *Rasā'il al-Sharīf al-Murtaḍā.*[5] Among these subjects was *al-'amal ma'a al-Sulṭān*[6] (co-operating with the Prince), first noted by Professor W. Madelung who translated it into English and prefaced it.[7]

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[1]al-Nūrī, Vol.III, p.516.

[2]Muḥyī al-Dīn, 'Abd al-Razzāq, *Adab al-Murtaḍā*, Baghdad, 1957, p.168.

[3]al-Ṭihrānī, *al-Dharī'a,* Vol.VI, p.314.

[4]In four volumes, annotated by Sayyid 'Abd al-Zahrā' al-Ḥusaynī al-Khaṭīb, Beirut, 1987.

[5]This book was published in Qumm, 1985, edited by Mahdī al-Rajā'ī, and Aḥmad al-Ḥusaynī.

[6]*Rasā'il al-Sharīf al-Murtaḍā* Vol.II, p.89.

[7]Madelung, W., "A Treatise of the Sharīf al-Murtaḍa on the legality of Working for Government", *Bulletin of School of Oriental and African Studies,* XLIII, 1, (1980), pp.18-31.

As a leader, al-Murtaḍā undertook to organize religious studies and provide the students with the necessary sustenance in the form of grants, paper and ink pots, financed from his own agricultural income.[1] Many great *faqīhs* attended his courses, the most renowned being Muḥammad b. al-Ḥasan al-Ṭūsī (d. 460/1068), the third leader of the School of Baghdad and the last of the Ithnā'ashariyya, not only during this period, but for at least the following hundred years up to the school of al-Ḥilla.

Al-Ṭūsī, who was known as *Shaykh al-Ṭā'ifa*,[2] kept to the path paved by his masters al-Mufīd and al-Murtaḍā. During their lifetime, he composed a single *fiqh* book, *Tahdhīb al-aḥkām* (Reforming the qualifications), that was to be one of the four books the Ithnā'ashariyya refer to on the science of *ḥadīth*. In this work, subtitled *al-Muqni'a* (The persuasive), al-Ṭūsī comments on a book on *fiqh* written by al-Mufīd and comprising *fatwās* related to narratives with suppressed *isnād*. He referred the sources of the *fatwās* to the *ḥadīths* that he considered reliable and chose what was accurate in the *ḥadīth* collections in al-Kulīnī's *Kāfī*.

After he assumed the religious leadership, al-Ṭūsī succeeded in bringing together the rational *('aqlī)* and the traditional *(naqlī)* trends, while attenuating the rational method adopted by his masters al-Mufīd and al-Murtaḍā. He became the first depository of the Shī'ī legacy which he rewrote and commented upon again, providing the Ithnā'ashariyya with a firm grounding in the science of the *Sharī'a*. Besides, his efforts had the effect of defining a clear system which would serve as a basis for further researches. Among the most important subjects he treated and that constitute a source of

[1]al-Baḥrānī, Yūsuf, *Lu'lu'at al-Baḥrayn*, Beirut, 1986, annoted by Muḥammad Ṣādiq Baḥr al-'Ulūm, p.317.

[2]Hidayet, Hosain, M., "al-Ṭūsī", *The first Encyclopaedia of Islam*, Vol.VIII, Leiden, 1987, p. 982; Muḥammad Ṣādiq Baḥr al-'Ulūm, *Muqaddimat 'alā al-Fihrist li-l-Ṭūsī*, Beirut, 1983, p.5.

Ithnā'ashariyya thought, were *tafsīr* of the Qur'ān, *fiqh, uṣūl, ḥadīth, 'ilm al-rijāl* and comparative *fiqh.*

It was in Baghdad that al-Ṭūsī composed his chief writings, over approximately forty years. His work was of such value that for succeeding centuries it was referred to by all the Imāmī writers, who could find in it all the former doctrinal writings and *fiqh* studies composed by the Ithnā'ashariyya. In consideration of his scientific prestige, the caliph al-Qā'im bi-Amrillāh (422-467/1031-1074) opened his lectures to all religious students, whatever doctrine they adhered to. He allocated the *Kursī al-kalām* to him, an official function considered by some biographers as the mark of an oustanding scholarly status.[1]

After the Seljuks took Baghdad in 447/1055, al-Ṭūsī was the victim of several personal attacks. His house was besieged and his inestimable library burnt in a public place crowded with people;[2] his chair was burnt too.[3] A year later, he left Baghdad for al-Najaf where he spent 12 years teaching *fiqh* and *'ilm al-kalām* and composed his *al-Amālī.*

The Seljuks went on persecuting the Shī'ites in Baghdad. Ibn al-Athīr reports that they burnt the library of Abū Naṣr Sābūr b. Ardashīr, a former *wazīr* of Bahā' al-Dawla (379-403/989-1012),[4] which resulted in the loss of many rare books. Yet the persecutions did not extend to al-Najaf, though it was close to Baghdad, maybe because of the political alliance between the Seljuks and the Mazyadī Shī'ī emirate of al-Ḥilla, and to the fact that the Shī'ī institution was keeping away from politics.

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[1]*Muqaddimat Ḥasan al-Sa'īd 'alā al-Iqtiṣād al-hādī ilā ṭarīq al-rashād li-l-Ṭūsī,* Tehran, 1980, p.9.

[2]Ibn Ḥajar, *Lisān al-mīzān,* Vol.V, p.135.

[3]*al-Muntaẓam,* Vol. VIII, p.173.

[4]*al-Kāmil fī l-tārīkh,* Vol.X, p.3.

Shī'ī scholars became less numerous in Baghdad and moved back towards the countryside. After the *wazīr* Niẓām al-Mulk (d. 486/1093) created the Niẓāmiyya schools[1] to enforce the *salafī* (traditional) current to the detriment of the rational current represented by the Mu'tazila and the Ithnā'ashariyya, the 'Abbassid capital underwent a radical doctrinal change in comparison with the Buwayhid epoch.

Al-Najaf became a centre to which many students moved. In Baghdad nearly 300 students attended al-Ṭūsī's lectures, but biographers mentioned only 40 in al-Najaf.[2] With al-Ṭūsī's death, the city lost its influence in both the religious and the political fields. Under the leadership of Abū 'Alī (d. after 515/1121), son of al-Ṭūsī, the *fuqahā'* of al-Najaf, who were called *al-muqallida* (the imitators), stuck closely to al-Ṭūsī's thought, without making any attempt to develop it. That stagnation remained a feature of the Ithnā'asharī thinking until Ibn Idrīs al-Ḥillī (543-598/1148-1201) succeeded to the leadership and undertook to renew al-Ṭūsī's conceptions.

THE INTELLECTUAL ASPECTS OF THE SCHOOL OF BAGHDAD

During this period, the leaders of the School of Baghdad achieved a great improvement in the following fields : *uṣūl,* comparative *fiqh, ḥadīth, 'ilm al-rijāl, tafsīr,* and *'īlm al-kalām.* Their writings became sources of prime importance for the Ithnā'shariyya.

[1] Āl Yāsīn, Muḥammad Mufīd, *al-Ḥayāt al-fikriyya fī l-'Irāq fī l-Qarn al-Sābi' al-Hijrī,* Baghdad, 1979, p.28.
[2] *Muqaddimat al-Ṭihrānī 'alā al-Ṭibyān fī tafsīr al-Qur'ān li-l-Ṭūsī,* Vol. I, p.27.

In the field of *uṣūl,* the thought of the Baghdad school matured as it gained consistency.[1] The earliest study which has come down to us is the *Mukhtaṣar uṣūl al-fiqh* (A short study on the principles of *fiqh*) by al-Mufīd, where the author separates the subject of *uṣūl* from those of *'ilm al-kalām* and *'ilm al-ḥadīth.* This was the very first comprehensive study on this subject, as the few previous essays into the field by companions of the Imāms treat specific *uṣūl* matters and not the item of *uṣūl* as a whole.[2]

According to some scholars, this is due to the fact that in the epoch of the Imāms, the Imāmī *fuqahā'* did not see the necessity for *ijtihād* in the wide sense of the word. This was going to last until the *Ghayba al-kubrā* (the Great Occultation) in 329/941.[3] The Shī'īs started writing on *uṣūl* in other terms in the early fourth / tenth century, while the subject had been taken up by the Sunnī schools in the late second century, when al-Shāfi'ī (d. 204/819) composed his study *al-Risāla* on *uṣūl,* which is considered the first treatment of this subject.[4]

Some late Shī'ī authorities argue that the *uṣūl* had been founded by the Shī'ī Imāms themselves, particularly al-Bāqir (57-114 or 116/677-732 or 734) and al-Ṣādiq (83-148/702-765) who dictated their basic principles to their disciples, namely before the epoch of the Great Occultation.[5] In the opinion of these authorities, these basic principles had not been elaborated in a

[1]Karjī, Abū al-Qāsim, "Naẓra fī taṭawwur 'ilm al-uṣūl", *al-Thaqāfa al-Islāmiyya,* No.7, Beirut, 1986, p.488.

[2]al-Ṣadr, *al-Ma'ālim al-jadīda li-l-uṣūl,* p.55.

[3]al-Shihābī, Maḥmūd, *Taqrīrāt al-uṣūl,* Tehran, p.43; al-Dawānī, *Hazāra Shaykh Ṭūsī,* (Persian), Vol. II, Tehran, p.28. Madelung, M., "Authority in Twelver Shi'ism in the absence of the Imam", in G. Makdisi et al. (eds), *La notion d'autorité au Moyen Age: Islam, Byzance, Occident* (Paris: Presses Universitaires de France, 1982) p. 168, n. 9; Arjomand, Said Amir, "Introduction: Shi'ism, Authority, and Political Culture", in Arjomand, S. A. (ed.), *Authority and Political Culture in Shi'ism,* New York, 1988, p.5.

[4]al-Ṣadr, *al-Ma'ālim,* p.55.

[5]al-Ṣadr, Ḥasan, *Ta'sīs al-Shī'a li-'ulūm al-Islām,* Baghdad, 1949, p.311.

separate book, which led later Shī'ite specialists in *ḥadīth* to try to arrange the relevant *aḥādīth* in the form of *uṣūl* chapters which are structured in a way characteristic of their early period of composition. Among these specialists were al-Ḥurr al-'Āmilī (1037-1104/1628-1693) with his *al-Fuṣūl al-muhimma fī uṣūl al-a'imma* (The main chapters of the Imāms' *uṣūl*), 'Abdallāh Shubbar (1188-1242/1774-1827) with *al-Uṣūl al-aṣliyya* (The authentic *uṣūl*)[1] and Muḥammad Hāshim al-Khwansārī (1235-1318/1820-1900) with his *Uṣūl Āl al-Rasūl* (The *uṣūl* of the family of the Prophet).

Moreover, the Shī'ī biographers report that the first author to write specifically on *uṣūl* matters was Hishām b. al-Ḥakam (d.199/815) with his *al-Alfāẓ wa mabāḥithuhā* (Notions and relevant discussions) and Yūnus b. 'Abd al-Raḥmān, Āl Yaqṭīn al-Baghdādī (d. 208/824), with *Ikhtilāf al-Ḥadīth wa-masā'iluh* (Variations in *Ḥadīth* and relevant matters), where he treats of the conflicts between authentic and apocryphal *ḥadīths* as reported by Imām al-Kāẓim (128 or 129-183/746 or 747-799). Both these are now lost. Some take these isolated writings as the first written by Shī'īs on *uṣūl*, though they have not come down to us. Ḥasan al-Ṣadr (1272-1354/1856-1935) therefore says that al-Shāfi'ī was not the first *uṣūl* author, and that he had been preceded by Hishām b. al-Ḥakam, a disciple of Imām al-Ṣādiq.[2]

Yet in our opinion al-Shāfi'ī's study remains the first compilation of *uṣūl*. Studies on *uṣūl* remained for a long time mixed with other sciences. On the Shī'ī side, *al-Mukhtaṣar fī uṣūl al-fiqh* by al-Mufīd is the first attempt specifically to separate the subject of *uṣūl* from *'ilm al-kalām* and *ḥadīth*.

[1]'Abdallāh Shubbar compiled the *uṣūl* matters mentioned in the narratives and identified them with 1903 *ḥadīths;* see: *al-Dharī'a,* Vol.II, p.178.

[2]In *Usūl Āl-al-Rasūl,* al-Khwansārī compiled 4000 of the best known *ḥadīths* in *fiqh* and arranged them in the form of discussions on *uṣūl;* see al-Ṭihrānī, *al-Dharī'a,* Vol. II, p.177.

Mufīd's book was published in 1322/1904 in Iran, then in 1985 with his disciple al-Karājukī's *Kanz al-fawā'id* (15 pages). Though it is believed to be only a summary of al-Mufīd's researches on *uṣūl*, it has served as a basis for the *Dharī'a ilā uṣūl al-Sharī'a* by his disciple al-Murtaḍā. *Al-Dharī'a* is actually the first Ithnā'asharī book on *uṣūl* and it became a major source in this field up to the period of al-Muḥaqqiq al-Ḥillī (d. 676/1277). The importance of this book comes from its differentiating between the *uṣūl* of *fiqh* and the *uṣūl* of religion, as mentioned in the introduction.[1] For to the author, the discipline consists of investigating *uṣūl* independently of former writings.[2] Thereby he possibly meant that his method of eliciting the qualifications *istinbāṭ* is quite different from those used by the Sunnī schools, which are based on *ra'y* and *qiyās*.

Al-Ṭūsī was the first to see the necessity of studying the *uṣūl* separately, which he tried to do in his *al-'Udda*. He assumes that *al-Mukhtaṣar fī uṣūl al-fiqh* is the first Ithnā'asharī book to assemble discussions about *uṣūl*, without however being complete.[3] He reports that al-Murtaḍā had not written any study on the science of *uṣūl*, notwithstanding his numerous lectures on this subject, which conveys the idea that either al-Murtaḍā had not yet announced his book, or he had not yet composed it.[4]

Al-Murtaḍā's influence on al-Ṭūsī is clear in *al-'Udda*, where the latter emphasises the passages adapted or reproduced from *al-Dharī'a*.[5] Through comparing both texts it emerges that al-Ṭūsī wrote down the first part of *al-'Udda* (nearly a quarter of the book) during al-Murtaḍā's lifetime and the rest after his death. His work aims at relieving *al-Dharī'a* of matters not pertaining to *uṣūl*, even if they are very few. At the same time, al-Ṭūsī

[1]*al-Dharī'a*, Vol.I, p.2.
[2]*al-Dharī'a*, Vol.I, p.5.
[3]al-Ṭūsī, *'Uddat al-uṣūl*, Bombay, 1894, p.2.
[4]al-Ṣadr, *al-Ma'ālim al-jadīda*, p.58.
[5]*Muqaddimat Karjī 'alā al-Dharī'a ilā uṣūl al-sharī'a li-l-Murtaḍā*, Vol. I, p.28.

intended to refute his master's opinions on some points, particularly those relating to isolated narratives.

However that may be, both master and disciple have brought about significant improvements in the field of *uṣūl,* and the Ithnā'ashariyya would have to wait for al-Muḥaqqiq al-Ḥillī's *al-Ma'ārij* and the school of al-Ḥilla to be in possession of valuable new studies on *uṣūl.* Through his mastery of *ijtihād,* al-Murtaḍā succeeded in establishing its rules and its proper theory, although practice began after the period of the Imāms, with Ibn al-Junayd and Ibn 'Aqīl, followed by al-Mufīd. Two hundred years later, al-Muḥaqqiq al-Ḥillī developed al-Murtaḍā's thought, by expanding on the concept of *ijtihād* from issuing personal opinions to eliciting the legal qualifications through their original distinctive features.[1]

COMPARATIVE *FIQH*

Among the other intellectual aspects of the School of Baghdad, we have comparative *fiqh,* a branch that had developed by means of the freedom of thought and expression of the Buwayhid period. Al-Mufīd wrote *al-I'lām bi-mā ittafaqat 'alayhī al-imāmiyya min al-aḥkām,*[2] where he compares the Ithnā'asharī *faqīh's* opinions with those of other schools that were inconsistent with them.[3] For his part, al-Murtaḍā composed *al-Intiṣār*[4] in which he examines *fiqh* matters proper to Ithnā'asharī *faqīhs.* He also intended to refute the opinion claiming that they came to pass *fatwās* which *faqīhs* from the other doctrines unanimously disagreed on.

[1]al-Murtaḍā, *al-Dharī'a,* Vol. II, p.308; al-Muḥaqqiq al-Ḥillī, *al-Ma'ārij,* p.310.
[2]Edited by Muḥammad al-Ḥasūn in *Silsilat mu'allafāt al-Shaykh al-Mufīd*, Vol.IX, Beirut, 1993.
[3]*Muqaddimat Ḥasan al-Khirsān 'alā Tahdhīb al-aḥkām li-l-Ṭūsī,* Vol.I, p.22.
[4]Published with annotations by Muḥammad Riḍā al-Khirsān, al-Najaf, 1975.

As for his method, it consisted in mentioning the subject matter first, then the opinions of the Sunnī *faqīhs* as a comparative reference, and lastly his own. While doing so, he set out the evidence taken from the Qur'ān, the *Sunna, ijmā'* and reason, examining all *fiqh* matters from *'ibādāt* to patrimonial affairs. He quotes many of his sources, which are referred back to their authors.

It is generally thought that al-Murtaḍā aimed at bringing the antagonistic points of view closer by comparing them. He therefore tried to reconcile the opposing doctrines in order to put a term to conflicts based on non-scientific criteria. In a similar vein, al-Ṭūsī wrote *al-Khilāf* (Tehran, 1950), regarded as an encyclopaedia of comparative *fiqh* treating exhaustively of *fiqh* matters, whether they were of the Ithnā'ashariyya or other Shī'ī schools, ephemeral Sunnī schools (as the doctrines of Zufar, al-Awzā'ī, al-Baṣrī, al-Suddī,and al-Ẓāhirī), or indeed of the four main Sunnī schools.

Besides giving the opinions of schools which cannot be found outside his work, al-Ṭūsī proved to be deeply versed in the *fiqh* of the Ithnā'ashariyya and the other schools. He also studied thoroughly the subject matters in dispute, and subjected them to his own *ijtihād*. Biographers unanimously assume that it took two hundred years after the School of Baghdad to produce a *fiqh* work of an equivalent quality, namely that of al-'Allāma al-Ḥillī (d. 726/1325).[1]

FIQH

As for *fiqh*, writing in this field developed during the period of the School of Baghdad and reached its zenith with al-Ṭūsī's *Mabsūṭ*. This work is

[1]*Muqaddimat Muḥammad Ṣādiq Baḥr al-'Ulūm 'alā al-Fihrist li-l-Ṭūsī,* Beirut, 1983, p.5.

considered as his major study, and the most outstanding in the field of *Ijtihād* and the elicitation of the legal qualifications.

Under the Ithnā'ashariyya, the prevailing method in *fiqh* consisted in transmitting the *ḥadīths* from the Imāms and issuing *fatwās,* while mentioning the *isnād.* The first *faqīh* to dissent from this method was 'Alī b. al-Ḥusayn b. Bābawayh al-Qummī (260-329/874-941) in his *al-Sharā'i'* where he suppresses the *isnād.* His son Abū Ja'far Muḥammad ibn 'Alī al-Ṣadūq (306-381/918-991) incorporated this study in his own books: *al-Faqīh, al-Muqni'* and *al-Hidāya.* Al-Mufīd adopted the same method in *al-Muqni'a.*

To date, the *fuqahā'* rely on these books, which they use as authentic collections. They also use them when reliable sources are lacking. Ḥusayn al-Burujurdī (1292-1380/1875-1961) calls them *al-Masā'il al-mutalaqqāt* (The received matters, i.e. received from the Imāms); they were also called *al-fiqh al-manṣūṣ* (textual *fiqh*).[1]

Al-Ṭūsī's *fiqh* evolved through two phases : the traditional phase and the innovatory phase. As a young man, he wrote *al-Nihāya* (Beirut, 1980), which was studied until al-Muḥaqqiq al-Ḥillī wrote his *Sharā'i' al-islām.* He inaugurated his second phase with *al-Mabsūṭ,* in which he tried to take *fiqh* beyond adapting *fatwās* from the texts of *ḥadīths*, towards practising *ijtihād* in its general form, by applying *uṣūl* rules to the details of the law.

In the introduction of his *al-Mabsūṭ,* al-Ṭūsī notes that "the meaning of a *fiqh* matter is represented by other scholars with unusual terms",[2] and that one objective of his book was to put together all *fiqh* subjects in one book. al-Ṭūsī called an earlier *fiqhī's* works which were composed before his *al-Mabsūṭ, al-Mukhtaṣarāt* (Abridgements), and he provides a survey of the

[1] Subḥānī, Ja'far, "Taṭawwur al-fiqh 'ind al-Shī'a", *Turāthunā,* No.2, Tehran, p.29.

[2] *al-Mabsūṭ fī fiqh al-Imāmiyya,* Tehran, 1968, annoted by Muḥammad Taqī al-Kashfī, p.2.

Ithnā'asharī studies and comes to the conclusion that they did not include all *fiqhī* matters.[1] Another objective of the work is to combine the rational and the tradionalist processes of legal derivation, and to refute the claim of Sunnī *faqīhs* who accuse the Shī'ī scholars of being unable to reach conclusions after abandoning *qiyās* and *ra'y* in *ijtihād*.[2]

Among short *fiqh* studies, al-Murtaḍā wrote *Jumal al-'ilm wa-l-'amal,* on the suggestion of his master al-Mufīd. The book became a basic introduction to the field.[3] It also contains a ten-page treatise entitled *Mukhtaṣar fi uṣūl al-dīn* in which the author treats such doctrinal subjects as *tawḥīd* (unity), *'adl* (justice), *al-nubuwwa* (prophethood) and *al-imāma* (Imāmate), summarizing thus the positions of the Ithnā'ashariyya towards the rules of religion and doctrine. Al-Ṭūsī commented on the book later in a voluminous work *Tamhīd al-uṣūl fī 'ilm al-kalām*.[4]

The chapter on *fiqh* consisted of matters written under separate headings, and under each of them many different religious matters were discussed. This division of the book became a model for later *fuqahā'* in introducing their writings which stated their views and opinions about religious matters through an introduction that dealt with questions of *uṣūl al-dīn* such as *al-tawḥīd, al-'adl, al-nubuwwa, al-imāma, al-ma'ād.* This model of writing was known as *al-Rīsāla al-'amaliyya.*

Al-Risāla al-'amaliyya evolved and was enriched with a section on *mu'āmalāt* (social relations), an additional part added to the original *al-*

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[1] *al-Mabsūṭ,* Vol.I, p.3.

[2] Muḥammad Bāqir al-Ṣadr says that al-Ṭūsī composed *al-Mabsūṭ* in al-Najaf, (*al-Ma'ālim al-jadīda,* p.63), while Ḥasan al-Ḥakīm assumes that al-Ṭūsī composed only *al-Amālī* and *Ikhtiyār al-rijāl* when he was in al-Najaf, whereby he thinks that *al-Mabsūṭ* was written in Baghdad, before al-Ṭūsi's emigration to al-Najaf (*al-Shaykh al-Ṭūsī,* Najaf, 1975, p.105).

[3] Published in *Rasā'il al-Sharīf al-Murtaḍā,* Vol. III, p.9.

[4] A commentary of the theoretical part of *Jumal al-'ilm wa-l-'amal,* annotated by 'Abd al-Muḥsin Mashkāt, Qumm, 1984.

'ibādāt. This part included the qualifications referring principally to sales and purchases, donations and *waqf.* *Al-Risāla al-'amaliyya* became one of the fundamental texts of the religious leadership.

'ILM AL-ḤADĪTH

It was during this period that the collections of *ḥadīth* were made. There were "Three Muḥammads" who wrote "The Four Books" which are still considered as the standard collections of traditions from the Shī'ī point of view.[1] Muḥammad ibn Ya'qūb Al-Kulaynī (d.328 or 329/941 or 942) inaugurated the series with his *al-Kāfī fī 'ilm al-dīn* (A compendium of the science of Religion), which contains the *ḥadīths* narrated and ascertained by the Imāms, believed to be the first encyclopedia of *ḥadīth*. Al-Ṣadūq followed him with his *Man lā yaḥḍaruhu-l-faqīh.* To these two books, biographers add al-Ṭūsī's *Tahdhīb al-aḥkām* and *al-Istibṣār.* al-Ṭūsī not only collected the *ḥadīths,* he also commented deeply on them. The ensemble constitutes the main source of Shī'ī *ḥadīth,* under the title of *al-Kutub al-arba'a*. The three authors mentioned based their works on an earlier corpus known as *al-Usūl al-arba'mi'a* (The Four Hundred *uṣūl*), that is the *ḥadīth* books composed by early Shī'ī on traditions from the Imāms.[2]

Shī'ī authors report that these *uṣūl* were composed during the period of Imām al-Ṣādiq and that they refer to *ḥadīths* taken from al-Ṣādiq's lectures. Al-Muḥaqqiq al-Ḥillī mentions that four hundred writings entitled *Uṣūl* were composed by four hundred writers from the opinions of Imām Ja'far al-Ṣādiq.[3] They lay at the base of the Four Books, whose authors also drew on

[1]Donaldson, p.284.

[2]Kohlberg, Etan, "al-Uṣūl al-Arba'umi'a", *Jerusalem Studies in Arabic and Islam* Vol.10, Jeruslalem, 1987, pp.128-166: al-Jalālī, Muḥammad Ḥusayn, "al-Uṣūl al-Arba'mi'a", in *Dā'irat al-ma'ārif al-Shī'iyya,* Vol. II, p.96.

[3]al-Ṭihrānī, *al-Dharī'a,* Vol. II, p.129.

other Shī'ī sources. Muḥammad Bāqir al-Majlisī (1037-1111/1628-1699) included extracts of these *uṣūl* in his book *Biḥār al-anwār*.[1]

The library of Dār al-'Ilm founded in 381/991 by the *wazīr* Abū Naṣr Sābūr b.Ardashīr (d. 416/1025) contained nearly 10,000 volumes of works on *uṣūl,* handwritten by the Imāms.[2] This library was used as an early source by the three authors mentioned above, but it was burnt by the Seljuks in 451/1059.[3]

The Buwayhid period undoubtedly favoured the School of Baghdad, and no compilations were to be made until the Ṣafawid period, when the Ithnā'asharī *'ulamā'* set about composing again while improving their methods. Al-Fayḍ al-Kāshānī (1007-1091/1599-1680) wrote *al-Wāfī* (Tehran, 1910), and al-Ḥurr al-'Āmilī (d. 1104/1692) *Wasā'il al-Shī'a*,[4] both based on the Four Books. In *Biḥār al-anwār,* the most exhaustive *ḥadīth* collection, with 110 volumes, al-Majlisī compiles *ḥadīths* which were narrated from the Prophet and the Imāms.

As for *'Ilm dirāyat al-ḥadīth* (the science of identification of the authentic *ḥadīths*), the *ḥadīth* books were submitted to criticism, and a new criterion was put forward by the *faqīhs* of the school of al-Ḥilla, based on a *sanad* (reference) authenticating the *ḥadīth.* Until then, the criterion prevailing was based on subjective considerations proceeding from consent and admission.[5]

The *ḥadīths* of the Four Books were classified into five categories: *ṣaḥīḥ* (sound), *ḥasan* (good), *muwaththaq* (trustworthy), *qawī* (strong) and *al-ḍa'īf*

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[1] al-Amīn, *Dā'irat al-ma'ārif al-Shī'iyya,* Vol. II, p.46.

[2] Ibn Khallikān, *Wafayāt al-A'yān,* Vol. II, p.99; Ibn al-'Imād, *Shadharāt al-dhahab,* Vol.III, p.104; Yāqūt al-Ḥamawī, *Mu'jam al-Buldān,* Vol.I, p.799.

[3] Ibn Taghrabirdī, *al-Nujūm al-zāhira fī mulūk Miṣr wa-l-Qāhira,* Vol. V, Cairo, 1935, p.6.

[4] al-Nūrī made a study on al-'Āmilī's book through *Mustadrak al-wasā'il wa-mustanbaṭ al-masā'il,* Beirut, 1986 (18 volumes).

[5] al-Bahbūdī, Muḥammad Bāqir, *Zubdat al-Kāfī,* Vol. I, Beirut, 1981, p.*yā'*.

(weak), a division which is believed to have been established by Aḥmad b. Ṭāwūs (d. 673/1274) or his disciple al-'Allāma al-Ḥillī, both of them followed by subsequent *faqīhs.* But the Akhbārites who appeared at the end of the Ṣafawid period refuted this classification, arguing that all the related *ḥadīths* were valid, even if a sound chain of transmission was not established.[1]

In this field, Zayn al-Dīn al-'Āmilī (911-965/1505-1558), known as al-Shahīd al-Thānī, presented an elaborate study on the *sanad* of al-Kāfī's *ḥadīths.* He calculated that al-Kāfī's book comprises 5072 sound *ḥadīths,* 144 good, 1118 trustworthy, 302 strong and 9485 weak. His son Jamāl al-Dīn al-Ḥasan (959-1011/1552-1602), selected the sound *ḥadīths* from the Four Books and collected them into his *Muntaqā al-jumān fī al-aḥādīth al-ṣiḥāḥ wa l-ḥisān,*[2] but he did not complete his work. It is neverthless considered unique by the Ithnā'ashariyya.[3]

'ILM AL-RIJĀL

Al-Ṭūsī made a great contribution to the field of *'ilm al-rijāl* (identification of the narrators of *ḥadīths*).[4] The *ḥadīths* of the Prophet and the Imāms being the second of the sources of legislation, the authentication of valid *ḥadīths* was connected with the knowledge of the narrators and the transmitters. The first book treating of this subject is the *Ma'rifat al-nāqilīn 'an al-a'immah al-ṣādiqīn* by al-Kishshī (now lost), who was a contemporary of Ibn Qūlawayh (d. 369/979). Al-Ṭūsī was the first to refer to this work, in which he found many errors requiring emendation. This was undertaken in

[1] al-Khū'ī, Abū l-Qāsim, *Mu'jam rijāl al-ḥadīth,* Vol. I, Beirut, 1983, pp.22-36.
[2] Published in 4 Volumes in Iran, 1982.
[3] *Muqaddimat al-Bahbūdī 'alā Zubdat al-Kāfī,* Vol.I, p.*yā'.*
[4] *Muqaddimat Muḥammad Ṣādiq Baḥr al-'Ulūm 'alā Takmilat al-Rijāl li-'Abd al-Nabī al-Kāẓimī,* Vol. I, Najaf, 1974, p.10.

his *Ikhtiyār al-rijāl,* which is based on lectures to his students when he was in al-Najaf in 456/1064. The second book is *al-Rijāl* by al-Najāshī (d. 450/1058), which is considered as important in *'ilm al-rijāl* as *al-Kāfī* in *ḥadīth.*[1] Two other books worth mentioning are *al-Rijāl* and *al-Fihrist* by al-Ṭūsī.

Ṭūsī's *al-Rijāl* contains as many chapters as there were narrators among the companions of the Prophet and those of each Imām, namely 8900 names. It aimed at collecting their names and classifying them by *ṭabaqāt.*[2] As for *al-Fihrist,* al-Ṭūsī wrote an index of Shī'ī books to which reference had been made. It presents 900 names of *uṣūl* authors with references, i.e. mentioning whether they had been received favourably or criticised, while *al-Rijāl* makes only an inventory of Ithnā'asharī writers without making any further distinction.[3]

Through his two books al-Ṭūsī tried to fill the gap that appeared in *'ilm al-rijāl* after two important books by Aḥmad ibn al-Ḥusayn al-Ghaḍā'irī (d. 411/1020) were lost.[4] He added that his work was not comprehensive, because of his inability to inquire into all the names in so many scattered regions.[5] Yet *al-Rijāl* was noted by Muntajab al-Dīn Ibn Bābawayh al-Rāzī (was alive in 600/1203) in his *Fihrist asmā' 'ulamā' al-Shī'a wa-muṣannifīhim* (Beirut, 1986), and by Ibn Shahrāshūb (d. 588/1192) in his *Ma'ālim al-'ulamā'.* The first mentions 553 names and the second 1021. Despite belonging to the same period, both authors were unaware of each

[1] *al-Dharī'a,* Vol.X, p.154. *Rijāl al-Najāshī,* published in Beirut, 1988, (2 Volumes) noted by Muḥammad Jawād al-Nā'īnī.

[2] *Muqaddimat Muḥammad Ṣādiq Baḥr al-'Ulūm 'alā Rijāl al-Ṭūsī,* p.93.

[3] Donaldson, pp.93, 288.

[4] al-Ṭūsī mentions that Ibn al-Ghaḍā'irī wrote two books, the first about the writing of Shī'īs, and the second about the original collections of *ḥadīth.* No reproductions of these two books were made, and consequently they were destroyed after his death. See al-Ṭūsī, *al-Fihrist*, p. 28

[5] *al-Fihrist,* p.23.

other's works.[1] Al-Qahbā'ī (still alive in 1016/1607) put together the four *rijāl* books into his *Majma' al-rijāl*.[2]

To sum up:

1-The leaders of the School of Baghdad (al-Mufīd, al-Murtaḍā, al-Ṭūsī) established the foundations of Ithnā'asharī thought.

2-Al-Murtaḍā provided the science of *uṣūl* with serious foundations, by separating it from *'ilm al-kalām*.

3-The research on validity in *fiqh* developed from relying on *ḥadīth* texts to the issuing of *fatwās,* in an effort to practise an *ijtihād* based on the main sources of legislation.

4-This period witnessed the establishment of the science of *ḥadīth* amongst the Shī'a together with the science of *rijāl,* each having its four fundamental books.

5-Al-Murtaḍā undertook research on *ijtihād,* and set up the conditions of its success and its rules. The principles of *ijtihād* were clearly defined from that period.

6-The *'ulamā'* of the School of Baghdad became devoted scholars who avoided being drawn into political activities.

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[1]*Muqaddimat 'Abd al-'Azīz al-Ṭabāṭabā'ī 'alā kitāb Fihrist asmā' 'ulamā' al-Shī'a wa muṣannifīhim,* Beirut, 1986, p.48; *Muqaddimat Muḥammad Ṣādiq Baḥr al-'Ulūm 'alā Ma'ālim al-'ulamā' li-Ibn Shahrāshūb,* Beirut, 1985, p.30.

[2]Annotated by Ḍiyā' al-Dīn al-Iṣfahānī, Qumm, 1965.

CHAPTER II

THE SCHOOL OF Al-ḤILLA

The decline of the scholarly movement among the Ithnā'ashariyya after al-Ṭūsī led some researchers to believe that the gate of *ijtihād* was about to be closed. This can probably be explained by al-Ṭūsī's prominence and strong personality which moulded his students and made them forget, or nearly forget, their own intellectual personality in order to blend with their master's.[1]

Such an attitude developed into a glorification which transformed al-Ṭūsī into a saintly character who could not be superseded and whose views were to remain unchallenged. This is reflected in the words of Sadīd al-Dīn al Ḥumṣī (d. late sixth / twelfth century): "After al-Ṭūsī, the Shī'a did not have a *faqīh* or a theoretician. All the *faqīh*s were expressing the theories of the Shaykh and merely transmitting his ideas".[2]

This attitude had not emerged suddenly but was directly linked to the superior intellectual legacy left by al-Ṭūsī in the field of *fiqh* and other disciplines,which "put him beyond criticism and did not allow for objection to his theories and opinions".[3]

A school of thought, whose followers were called imitators, *muqallida*, subsequently emerged and lasted more than a century. It perpetuated the same mental attitudes without generating any noticeable progress, despite the contributions of a group of *fuqahā'* among al-Ṭūsī's direct disciples, who merely sought to record faithfully and preserve his intellectual methods. We

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[1]al-Ḥakīm, *al-Uṣūl al-'āmma li-l-fiqh al-muqāran*, Beirut, 1979, p.600.
[2]Khwānsārī, *Rawḍāt al-jannāt,* Vol. VII, p.161.
[3]*al-Ma'ālim al-jadīda,* p.66.

therefore find much historical evidence confirming that most of the *faqīh*s who came after al-Ṭūsī were imitating his *fatwās* because of the great consideration and trust they had in him. The Muqallida group concentrated on transmitting and explaining al-Ṭūsī's theories without being able to break away from them. al-Ḥumṣī, a contemporary of that period, is quoted as saying :"The Imāmiyya is left with no *muftīs*; they all are imitators".[1] In other words, the period after al-Ṭūsī did not produce a *mujtahid* of al-Ṭūsī's stature, who could have replaced him and added something new to his basic teachings and legacy.

This was probably due to the special circumstances of al-Ṭūsī's life, together with his interaction with the intellectual environment of his time and, above all, his openness to different schools. The traditionalist attitude of the period did not, however, stop the emergence of great *fuqahā'* such as Abū 'Alī al-Ḥasan al-Ṭūsī (d. ca. 515/1121), and Abū 'Alī al-Ṭabarsī (d. 548/1153). Despite their scholarly effort, these scholars could only submit to al-Ṭūsī's precedence and elaborate on his theories. The *ijtihād* movement remained unchanged due to the Muqallida's imitation of *Shaykh al-Ṭā'ifa* al-Ṭūsī in *fiqh*.

In addition to the fact that using a method of deduction other than that used by al-Ṭūsī was perceived as a betrayal of his status, the scholarly preeminence of al-Ṭūsī and the corresponding feeling of inadequacy amongst his followers also account for this stagnation. It is probable that either of these reasons, or their combination, led to this situation.[2]

Despite the fact that the Ithnā'asharī *fuqahā'* had limited themselves to the traditionalist views, they succeeded in preserving the *ijtihād* process within this framework. Many *uṣūl* books were written during this particular period,

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[1] *Idem*, p.61.
[2] al-Ṣadr, *al-Ma'ālim*, p.62.

most noteworthy among which is *al-Taqrīb*, which was written by Ḥamza ibn 'Abd al-'Azīz al-Daylamī, known as Salār (d. 448/1056), *al-Maṣādir*, written by Sadīd al-Dīn Maḥmūd ibn 'Alī al-Ḥumṣī (he was alive in 581/1185), *Kitāb al-tabyīn wa-l-tanqīḥ fī al-taḥsīn wa-l-taqbīḥ*, also by al-Ḥumṣī, and *Kitāb Ghunyat al-nuzū' ilā 'ilmay al-uṣūl wa al-furū'*, by Ḥamza ibn 'Alī ibn Zuhra al-Ḥalabī (511-585/1117-1189).[1] This last book may have signaled the effective revival of the *ijtihād* school.

Stagnation raises questions about al-Ṭūsī's achievements in *fiqh* and *uṣūl*, which should have prompted a continued inventiveness among his disciples but which resulted, on the contrary, in a failure to prompt innovation. Muḥammad Bāqir al-Ṣadr tried to attribute this failure to the Najaf School which was recently founded and was not mature enough to carry on the progress initiated by al-Ṭūsī in his scholarly achievements.[2] Al-Ṣadr also believed that the disciples of al-Ṭūsī's school in Baghdad had dispersed after his migration to al-Najaf as there is not a single historical reference to them.[3] It seems that the students of the Baghdad school who belonged to different sects were historically absorbed in the political circumstances, and unlikely to react to the emergence of a new group belonging to a traditionalist school. This school was strengthened by Niẓām al-Mulk (assassinated 485/1092) with the establishment of the *Madāris al-Niẓāmiyya* which actively contributed to the undermining of the Ithnā'asharīs, the Mu'tazilis, the *Mutakallimūn*, the *Ḥanbalīs* and other philosophical movements. These schools also became a centre of opposition to the Azhar mosque in Cairo, which was established as "an active scholarly and propaganda centre for the Egyptian Fāṭimid sect".[4]

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[1] Karjī, Naẓra fī taṭawwur 'ilm al-uṣūl, p.263.

[2] *al-Ma'ālim*, p.65.

[3] *Idem*, p.64

[4] Kisā'ī, Nūrallāh, "Khawājā Niẓām al-Mulk al-Ṭūsī wa-l-madāris al-Niẓāmiyya", *al-Thaqāfa al- Islāmiyya,* No. 6, Beirut, 1986, p.88.

From then on stagnation prevailed in the scholarly circles of the Ithnā'ashariyya, thus limiting the wave of writings which the *fuqahā'* of the Baghdad school had tried to create. Intellectual production began to be considered as provocative by the government. Even though the opposition was directed against the Ithnā'ashariyya, it also affected the Sunnīs and in particular the Ash'ariyya. Towards the end of the first half of the fifth / eleventh century, the Sunnī Saljūqid *wazīr*, 'Amīd al-Mulk al-Kandarī (killed 456/1063), instigated a violent hate campaign against the Ithnā'ashariyya, ordered their cursing in the mosques, and had them massacred. Such a development is not surprising in itself, considering that it occurred during a period which advocated the struggle against Shī'ism and was initiated by a fanatical *wazīr*. The striking fact is that this Sunnī Shāfi'ī *wazīr* also considered the Ash'arī sect -a doctrine acknowledged by Sunnism- to be, like the Shī'ites, an atheist sect, and ordered their cursing too in the mosques.[1]

The wide success achieved by the traditionalists *salafīs* affected to a large extent the development of the *ijtihād* movement of the Ithnā'ashariyya. However, the vitality of the Ithnā'ashariyya reemerged in scholarly circles after the fall of the Saljūqids (590/1193).[2] The 'Abbasid caliph al-Nāṣir li-Dīn Allāh (575-622/1179-1225) supported the Ithnā'ashariyya and used them as a counter-force against the *salafīs* who were supported by the Saljūqids. This even led some historians to consider him as an Imāmī.[3] His support is apparent in the 'Abbasid Caliph's decision to place Shī'īs in positions of power and the enrolment of Shī'ī personalities in the highest ranks of government. Five Shī'īs became ministers, and for many years the position of leadership of the Ḥajj was held by a Shī'ite.[4] The strength of Caliph al-Nāṣir and the support he granted to intellectual movements allowed the

[1] Shābī, *al-Shī'a fi Īrān*, p.141.
[2] al-Bāshā, *Dirāsa fi Tārīkh al-Dawla al-'Abbāsiya*, p.131.
[3] Ibn al-Ṭiqṭaqā, *al-Fakhrī fi al-ādāb al-sulṭāniyya*, p.330.
[4] Ibn al-Athīr, *al-Kāmil fi l-Tārīkh*, Vol. 3. p.175.

ijtihād school to gain momentum. The strength of the Ithnā'asharīyya during this period is reflected in the emergence of *fuqahā'* who initiated a new scholarly movement based on the use of logic in deduction and the discussion and contradiction of their predecessors' theories in *fiqh*.[1]

THE DEVELOPMENT OF RATIONAL THOUGHT AMONGST THE ḤILLA *FUQAHĀ'*

Despite the changes that affected Baghdad and some other towns before the rule of al-Nāṣir li-Dīn Allāh, the city of al-Ḥilla, which had been a centre for the Ithnā'asharīs since it was built by Sayf al-Dawla Ṣadaqa b. Bahā' al-Dawla (479-501/1087-1107) the Mazyadī in 495/1102,[2] and continued in this role for almost five centuries,[3] apparently remained aside from the conflict. The neutral body formed by the Ithnā'ashariyya was able to preserve its scholarly methodology and stay immune to the political changes brought about by Saljūqid rule.

Although the spirit of imitation continued to prevail on the scholarly level and *fiqhī* views remained constant within the general framework and the tradition inherited from the school of Baghdad, some attempts at breaking the stagnation were beginning to be made. Muḥammad ibn Aḥmad ibn Idrīs al-Ḥillī (543-598/1148-1201) started to rebel against the prevailing spirit of imitation. His diagnosis of the stagnation led him to direct his attacks against al-Ṭūsī -his grandfather on his mother's side- whose sanctity he tried to limit. Ibn Idrīs wrote a voluminous work on *fiqh*, *al-Sarā'ir al-Ḥāwī li taḥrīr al-fatāwī* (Qumm, 1990) that reveals his scholarly talents and his ability to discuss al-Ṭūsī's views and introduce additions that marked a turning point in the history of the Ithnā'asharī *ijtihād*.

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[1] Āl Yāsīn, p.56.
[2] Yāqūt al-Ḥamawī, *Mu'jam al-Buldān,* Vol. 3, p.327.
[3] Nājī, *Al-Imāra al-Mazyadiyya*, p. 22.

Ibn Idrīs's production was parallelled by that of Ibn Zuhra al-Ḥalabī (d. 585/1189) in Syria, and more specifically in the city of Aleppo. Aleppo's *'ulamā* after Ibn Zuhra, however, did not reach the level attained in *uṣūl* by the Ḥilla *'ulamā'*, on whom they actually depended. Ibn Zuhra wrote a book on *uṣūl*, the aforementioned *Ghunyat al-nuzū' ilā 'ilmay al-uṣūl wa-l-furū'*. Historically, this book is contemporary with Ibn Idrīs's *al-Sarā'ir*. Similarities can be found in Ibn Idrīs's and Ibn Zuhra's *uṣūl*, which distinguish them from the period of absolute imitation of al-Ṭūsī. Such similarities are found in a departure from al-Ṭūsī's juridical position and the adoption of views that contradict his *uṣūlī* and *fiqhī* positions. In the same way as Ibn Idrīs tried to refute al-Ṭūsī's proofs in *uṣūl*, Ibn Zuhra also opposed counterviews to the proofs set by al-Ṭūsī in his *al-'Udda*. In addition, he set new *uṣūlī* problematics that had not been addressed in *al-'Udda*. An example is provided by the implications of the distinction between order and urgency, *Dalālat al-amr 'alā l-fawr*. For al-Ṭūsī, the imperative form implied an immediate reaction. This was contested by Ibn Zuhra, who said: "The imperative form is neutral and implies neither urgency nor laxity".[1] This indicates that scholarly thinking had started to expand and develop within the sciences of *uṣūl* and *fiqh*, thus allowing for the contradiction of, and interaction with, al-Ṭūsī's views in a way that had not been witnessed before.

A correspondence exists between Ibn Zuhra and Ibn Idrīs, which Ibn Idrīs makes reference to, also mentioning a meeting which was held with Ibn Zuhra. In *al-Sarā'ir* he writes: "I saw him (ibn Zuhra); I wrote to him and he wrote to me; I mentioned to him mistakes in his works and he apologized in an unclear way." Ibn Idrīs had clear disagreements with some of his contemporary *fuqahā'* despite common grounds he shared with them.

[1] *al-Ma'ālim al-jadīda*, p.74.

Ibn Idrīs adopted in his attacks a purely scholarly methodology which was partly based on criticism of al-Ṭūsī and an attempt to transcend his concepts in *fiqh*. But he also took notice of the general mood prevailing among the *fuqahā'* of the Imāmiyya and of their inability to go beyond the scholarly legacy left by al-Ṭūsī. So, despite the sharpness he adopted in his criticism, he tried to be cautious and avoided stirring the reservations of the Muqallida, using for that purpose arguments which would generally not antagonize them.

Because of his courage in confrontating al-Ṭūsī's views and his attempt to break the mould that had been imposed on scholarly development after al-Ṭūsī, Ibn Idrīs came under a barrage of criticism. The vigour of Ibn Idrīs's criticism actually appeared unacceptable even to some of those who supported him and his course. Many of his contemporary *fuqahā'* and their successors vigorously attacked his stands. Sadīd al-Dīn al-Ḥimṣī (d. 583/1187) said "he was inaccurate and his works unreliable".[1]

Ibn Idrīs, unlike Ibn al-Junayd, did not lose his reputation as an Ithnā'asharī *faqīh,* though he was attacked as being rational and violating the accepted method. So he was thus described as a "true *uṣūlī mujtahid*".[2] Such a description is in itself a great acknowlegment of his *ijtihādī* course, as it came from a late Akhbārī scholar, Shaykh Yūsuf al-Baḥrānī (1107-1186/1696-1772), who had followed a different school of thought. The statement underlines the intellectual superiority of Ibn Idrīs and his importance for legal logic. This led him to be regarded as one of the bearers of a renaissance built on criticism. Without him, no jurist would have ventured to criticize the earlier scholars.

In *al-Sarā'ir (al-Ḥāwī li-taḥrīr al-fatāwī),* the work that made him famous, Ibn Idrīs not only presents his *fiqhī* views but also mentions in each section

[1] al-Baḥrānī, *Lu'lu'at al-Baḥrayn,* p.276.
[2] *Ibid.*

the *uṣūlī* origins of *fiqh* matters, often referring to several *uṣūlī* matters in one section.[1] Scholarly thought had grown and expanded in both its branches of *uṣūl* and *fiqh,* which developed in parallel through their interaction and connections.[2] Ibn Idrīs's contradiction of those who had preceded him was not limited therefore to deduction but also dealt with the fundamentals of logic.

Al-Sarā'ir deals with the views expressed by al-Ṭūsī in *al-Nihāya, al-Mabṣūṭ,* and other books. Ibn Idrīs's purpose, however, was not restricted to the enumeration of concepts. He also wanted to criticize them, and this criticism extended beyond al-Ṭūsī to include his imitators and followers-as if the whole book had been devoted to such a purpose.[3]

Al-Ṣadr makes two important remarks in his comparison between *al-Sarā'ir* and al-Ṭūsī's *al-Mabṣūṭ*. On the one hand, *uṣūlī* rules on *fiqh* research and their position within *fiqh* generally are much more widely discussed in *al-Sarā'ir.* In the deduction relating to the rules on water, for example, Ibn Idrīs distinguishes three *uṣūlī* rules to which he links his *fiqh* research, whereas no similar rules can be found in *al-Mabṣūṭ*, despite their theoretical structural existence in *uṣūlī* books before Ibn Idrīs. On the other hand, *fiqh* deduction is broader in *al-Sarā'ir* as it deals extensively with controversies and evidence that derive from points of disagreement with al-Ṭūsī. As a result, one matter that is treated in a single line in *al-Mabṣūṭ* requires an entire page in *al-Sarā'ir.* The question of the purity of water mixing with impure water is an example. al-Ṭūsī's verdict was that the water would remain impure and he did not further elaborate on this. In contrast, Ibn Idrīs opted for the purity of water and he dealt extensively with this question, saying in conclusion: "We wrote on this matter about ten pages, exhausting the subject in all its aspects through the use of questioning and of evidence from *āyāt* and *akhbār*."

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[1]Kurjī, p.264.
[2]al-Ṣadr, p.75.
[3]Kurjī, p.264.

In dealing with questions on which he disagreed with al-Ṭūsī, Ibn Idrīs was very careful to enumerate all the evidence that favoured al-Ṭūsī's views before proceeding to refute them. Such evidence was either of his own creation -hypotheses he imagined and then eliminated, hence removing all doubts about his rightness in the matter- or was the reflection of the resistance opposed to him by the traditional school of thought. This indicates how Ibn Idrīs's opinions affected and interacted with contemporary scholarly thought in a way that put him in a position of conflict.[1]

The period extending from al-Ṭūsī to Ibn Idrīs had raised many problems and *fiqh* questions that required prompt answers. As the link between the *mujtahids* and their followers was an established necessity, the phenomenon of *iftā'* and *istiftā'* led to a momentous growth in scholarly research.

For a while after al-Ṭūsī, stagnation had affected scholarly research while the link between the *fuqahā'* institution and its followers had been weakened. Ibn Idrīs helped revive this link by strengthening scholarly research and freeing it from its hierarchical mould through the use of the vigorous rational methodology that had been used before him by al-Murtaḍā (d. 436/1044).

The rigorously rational approach to *ijtihād* inherited by the Ithnā'asharī school from Ibn Idrīs al-Ḥillī led to reactions similar to the ones provoked by al-Murtaḍā's approach. In the latter case, however, the shock was somehow absorbed by al-Ṭūsī's attempt to reduce this sharpness. Despite al-Muḥaqqiq al-Ḥillī's attempts to curb his influence, Ibn Idrīs succeeded in provoking reactions among those *fuqahā'* whose approach was different from that of the school of *ijtihād*.

[1] *al-Sarā'ir*, Vol. I, pp. 58-95; *al-Mabsūṭ*, Vol. I, p.5; al-Ṣadr, p.72-73.

Among them was Raḍī al-Dīn 'Alī ibn Ṭāwūs (589-664/1193-1265), who is well known for his pure Salafī positions.[1] He wrote many books on prayers (*ad'iya*), avoiding any involvement with *fiqh* as he was cautious about issuing *fatwās*. He also recognised many *ḥadīth* without investigating their authenticity and thus was considered an unreliable compiler.[2]

In his works, Ibn Ṭāwūs largely embodied the Salafī trend. Consistent in his methods, he criticised al-Murtaḍā for his involvement in *'ilm al-kalām* and his closeness to the Sulṭān.[3] It seems that he wrote his criticism before Hūlāgū's invasion of Iraq in 656/1258, as circumstances later on pushed him to indulge in actions similar to the ones for which he had attacked al-Murtaḍā.

Actually this trend was not very influential, especially after it lost some of its sharpness with Ibn Ṭāwūs's brother, Jamāl al-Dīn Aḥmad Ibn Ṭāwūs (d. 673/1274). Jamāl al-Dīn was described by sources as the "*faqīh* of *Ahl al-Bayt*"[4] who "investigated the *rijāl al-riwāya* and *tafsīr*".[5] The classification of *akhbār* into four classes (*ṣaḥīḥ, muwaththaq, ḥasan and ḍa'īf*) was attributed to him.[6]

Although some researchers consider that Ibn Ṭāwūs had revised and not invented this classification, which was already established by early *'ulamā'*,[7] the Akhbārīs rejected his classification of *ḥadīth* and insisted on asserting the authenticity of all *akhbār* in the Four Books, in view of the evidence they carried of their link with the Ma'ṣūm Imāms.[8]

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[1] al-Jābirī, Husāyn, *al-Fikr al-salafī 'ind al-Shī'a al-Imāmiyya*, Beirut, 1977, p.227.

[2] Muqallad, 'Alī, *al-Nubūwa wa-l-Imāma fī fikr Naṣīr al-Dīn al-Ṭūsī*, Beirut, 1989, p.70.

[3] Ibn Ṭāwūs, *Kashf al-maḥajja li-thamarat al-muhja*, Najaf, 1950, pp.23, 112.

[4] al-Ṭihrānī, *al-Anwār al-sāṭi'a fī l-mi'a al-sābi'a*, Beirut, 1972, edited by 'Alī Naqī al-Munzawī, p.67.

[5] *Idem*, p.68.

[6] al-Amīn, Muḥsin, *A'yān al-Shī'a*, Vol. 3, Beirut, 1982, p.190.

[7] Ghuraylfī, Muḥyī al-Dīn, *Qawā'id al-ḥadīth*, Beirut, 1982, p.16.

[8] Baḥrānī, Yūsuf; *al-Ḥadā'iq al-nāḍira fī aḥkām al-'Itra al-Ṭāhira*, Vol. 1, Beirut, 1985, p.20.

During the centuries that followed, Akhbārīs could not find a personality worthier of attack than al-'Allāma al-Ḥillī. They attributed this classification of *ḥadīth* to him, and they accused him of grave errors, without ever directing any criticism against Ibn Ṭāwūs.[1] Such accusations may be explained by the Akhbārīs' attempt to clear themselves of the political constraints that limited the work of al-'Allāma and to separate politics from *fiqh* in a practical way after the fall of the Ṣafawid state.[2]

THE SCHOLARLY WORK OF AL-MUḤAQQIQ AL-ḤILLĪ

After Ibn Idrīs, the *ijtihād* movement started to expand and fresh attempts to re-formulate scholarly concepts and create new ones were made to an unprecedented extent. Najm al-Dīn Abū al-Qāsim Ja'far ibn al-Ḥasan al-Ḥillī, known as al-Muḥaqqiq (the investigator) (d. 676/1277), emerged as a leading figure who won the respect of all the Ithnā'asharī *fuqahā'* thanks to his superior intellect and the innovations he introduced in Ithnā'asharī *fiqh*.

His nickname originates in his valuable efforts in the field of *fiqh*. When *fuqahā'* use the word *"al-Muḥaqqiq"* they generally, refer to him.[3] He has also been described as "*Muḥaqqiq al-fuqahā' wa-Mudaqqiq al-'ulamā'*"[4] and as being "the source of investigation in *fiqh*".[5] Scholarship flourished during his days and "al-Ḥilla became one of the scholarly centres in the Islamic world".[6] A number of *'ulamā'* graduated under his supervision and carried on

[1] Some Twelver, and many western-language, sources maintain that al-'Allāma was the first to establish this four-part system of classification. According to a remark by al-'Allāma himself, Aḥmad b. Ṭāwūs appears to have first suggested the system; al-'Allāma was the first to apply the division in legal discussions. See Newman, Andrew, J., "The nature of the Akhbārī-Uṣūlī dispute in late Ṣafawid Iran", *B SOAS*, Vol. LV, 1992, p.40.

[2] See for instance : Madelung, "Authority in Twelver Shi'ism", p. 168.

[3] Muṭahharī, Murtāḍā, *al-Islām wa-Īrān*, Beirut,1984, p.336.

[4] al-Baḥrānī, *Lu'lu'at*, p.227.

[5] *Idem*, p.228

[6] *Idem*, p.227.

his work. It is also said that he trained four hundred *mujtahids*, an achievement that had been unprecedented before him.[1] His nephew, al-Ḥasan ibn al-Muṭahhar al-Ḥillī, known as al-ʻAllāma al-Ḥillī (d. 726/1325), figures among the most famous of his students.

Al-Muḥaqqiq al-Ḥillī had a great influence on his followers. He contributed seriously to the revision and classification of *fiqh*, which brought him to deal with al-Ṭūsī's works, which he revised and scrutinized, making use in his defence of the latter's school, and of Ibn Idrīs's objections and criticism.[2]

He was also able to change the curriculum of religious studies by replacing al-Ṭūsī's *al-Nihāya* with his *Sharā'i' al-Islām fī masā'il al-ḥalāl wa-l-ḥarām*, as he found it necessary to communicate *fiqh* to a wider audience. Indeed, "al-Ṭūsī's work does not go beyond basic *uṣūl* and *fiqh* problems, whereas the more comprehensive *al-Sharā'i'* deals with the categorization and deduction of *aḥkām*. The official adoption of this book in the *fiqh* studies of the Ithnāʻashariyya, in addition to the research and commentaries that it prompted, led to an extension of its methods of categorization and deduction to the whole school and to its expansion".[3] *Al-Sharā'i'* has since its inception aroused great interest among *fuqahā'* who, for centuries, have depended on it and written extensive commentaries on it. The book remains widely taught in Shīʻī schools. Actually, the majority of *fiqh* encyclopaedias that were written after al-Muḥaqqiq are explanations of *al-Sharā'i'*.[4] To date, the work has remained subject to the scrutiny of researchers in a way that preserves its vitality and actuality.

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[1] The introduction of *Sharā'i' al-Islām* by al-Muḥaqqiq al-Ḥillī, Vol. I, Beirut, 1983.
[2] The introduction of *Jāmi' al-maqāṣid*, Vol. I, p.20.
[3] *al-Ma'ālim,* p.76.
[4] *al-Dharī'a,* Vol. XIII, p.47.

Al-Muḥaqqiq al-Ḥillī tried to bring together topics of *fiqh* that were dispersed in the classification of previous *fuqahā'* and to organize them into a number of new and specific categories that would be easier to understand. He adopted four principles for the classification of *fiqh* rules, as the earlier division led every *faqīh* to establish a classification according to his own point of view. This classification of al-Muḥaqqiq became the standard in Ithnā'asharī *fiqh*[1] and was only subjected to change by the contemporary *faqīh* Muḥammad Bāqir al-Ṣadr (executed in Iraq in 1400/1980).

The method of al-Muḥaqqiq al-Ḥillī in classification is revealed in *Sharā'i' al-Islām's* division into four sections: *al-'ibādāt, al-'uqūd, al-īqā'āt* and *al-aḥkām*.

The section on *'ibādāt* starts with the book of *ṭahāra* and ends with *al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar*. The *'uqūd* section begins with the book of *tijāra* and ends with the book of *nikāḥ*. The *īqā'āt* section starts with the book of *ṭalāq* and finishes with the book of *nadhr*. The *aḥkām* section starts with *ṣayd wa-l-dhibāḥa* and ends with *diyāt*.

Al-Muḥaqqiq's classification differs from that of previous *fuqahā'*. Al-Ṭūsī for instance, limited *al-'ibādāt* to five types of religious practices, *ṣalāt, zakāt, ṣawm, ḥajj* and *jihād*.[2] He did not discuss the concepts of *i'tikāf* and *'umra* under separate headings. For example, he treated *i'tikāf* as a subtopic when he dealt with *ṣawm* and *khums* when he dealt with *zakāt*.

Al-Muḥaqqiq treated the religious matters considered by al-Ṭūsī as sub-topics as independent matters, and he also tackled another religious matter, *al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar*, which had escaped al-Ṭūsī's notice.

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[1] *Muqadimat al-Qummī 'alā kitāb al-Mukhtaṣar al-Nāfi' fī fiqh al-Imāmiyya*, Tehran, 1982.

[2] al-Ṭūsī, *al-Iqtiṣād fī mā yata'allaq bi-l-i'tiqād*, Beirut, 1986, p.374.

In the modern school of *ijtihād*, Muḥammad Bāqir al-Ṣadr had introduced a change in this classification. He did not include forms of worship that had financial connections, such as *khums* and *zakāt,* in the general category of worship, but treated them separately under the heading of "general finance". He also added a new section on *kaffārāt*[1] to the category of pure worship and treated the subject of *al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar* under the section of *al-sulūk al-khāṣṣ* (private attitude). For about eight centuries, however, and until present times, the *fuqahā'* have been dependent on al-Muḥaqqiq's classification.

In addition to his creation of a new classification, al-Muḥaqqiq introduced revisions in *uṣūl* which offered a new dimension to *ijtihād,* thus allowing it to transcend its traditional forms to reach more comprehensive and global ones.

THE MEANING OF THE WORD *IJTIHĀD*

Etymologically *ijtihād* means "doing one's utmost" and it was used in its literal meaning until the period of al-Imām al-Shāfi'ī, who gave it a lower status than *qiyās*, doing one's utmost to reach a legal judgement in a case where there was no relative text.[2] To the Shī'is, however, the term does not appear to have had any further implications in *fiqh.*

After the period of al-Imām al-Shāfi'ī the word *ijtihād* was commonly used to mean "opinion", *ra'y*, also, where there was no relative text, at a time when the Imāmī *fuqahā'* did not permit the use of opinion instead of an exact text. They took a negative stance on the usage of such "expressions", which they associated with schools of Sunnī *fiqh* and expressing personal thinking, as opposed to "text".

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[1] al-Ṣadr, Muḥammad Bāqir, *al-Fatāwā al-wāḍiḥa*, Vol. I, Beirut,1983, p.132.
[2] al-Shāfi'ī, al-Imām, *Risālat al-Imām al-Shāfi'ī,* Cairo, 1939, p.477.

The expression *ijtihād* continued to mean a personal opinion and analogy from the time of Shī'ī Imāms until the seventh century AH. A number of *ḥadīths* have been passed down from the Imāms disallowing *ijtihād* in that meaning.[1] A number of books were also written in their time, such as *al-Istifāda fī al-ṭu'ūn 'alā al-Awā'il wa-l-radd 'alā Aṣḥāb al-ijtihād wa-l-qiyās*, by 'Abd al-Raḥmān al-Zubayrī,[2] *al-Radd 'alā man radda Āthār al-Rasūl wa-i'tamada natā'ij al-'ūqūl*, by Hilāl ibn Ibrāhīm ibn Abī al-Fatḥ al-Dulafī,[3] and a book by Ismā'īl ibn al-Nawbakhtī,[4] in which he refuted the theory of *ijtihād* by 'Īsā ibn Abān. Only their titles are known to us.

Condemnation of *ijtihād*, in this meaning, was challenged already by Shaykh al-Mufīd in his criticism of his teacher in *al-Naqḍ 'alā Ibn al-Junayd fī ijtihād al-ra'y*, but he did not elaborate on the matter.

The first to write fully on *ijtihād* and earmark a separate section on the topic was al-Murtaḍā in his book *al-Dharī'ā ilā uṣūl al-Sharī'a.* He did not add much to the meaning of the word *ijtihād* but used it in its literary meaning of "doing one's utmost" to enable a person to reach a judgement from the available evidence. However, he compromise between *ijtihād* and *qiyās* in that he incorporated *qiyās* into *ijtihād*, making the latter more general.

Qiyās was, therefore, a conclusion from analogy that could be drawn from a model or norm and when a judgement was found to be comparable, then the conclusion would be covered by the same judgement and no disagreement would arise on the result.

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[1]al-Kulaynī, Muḥammad ibn Ya'qūb, *al-Ūṣūl min al-Kāfī*, Vol.1, p.54; al-Majlisī, Muḥammad Bāqir, *Biḥār al-anwā*, Vol.2, Beirut, 1983, p.175.

[2]al-Najāshī, Aḥmad ibn'Alī, *Rījāl al-Najāshī*, Vol.2, p.19.

[3]*Idem*, p.409.

[4]al-Najāshī, Vol.1, p.121.

In *ijtihād*, however, there is no model to make comparison with and everyone who is doing his utmost to reach a judgement is right. An example of that occurs in the endeavour to find the direction of Mecca for prayers. When a sign appears to show the Qibla in a certain direction, then it becomes obligatory to pray in that direction. If another person, however, deduces that it is in a different direction, then he must pray as he thinks proper and they are both right even thought the authorisation is different.[1]

In his important study, Norman Calder has found that the term *ijtihād* was used by the Imāmī *fuqahā* in a non-technical and undeveloped way until after the time of Ibn Idrīs al-Ḥillī.[2] This becomes clear after al-Muhaqqiq tried to develop the term in accordance with the methods of deduction then current in Imāmī *fiqh*. In this he refers to the true meaning of *ijtihād* as it is used in the practice of the *fuqahā'*, namely doing their utmost to reach a legal judgement, hence laws that are derived from proofs and evidence based on theories and not deduced from the explicit meaning of any text, wheather these proofs are based on *qiyās* or other methods. Therefore *qiyās* is a type of *ijtihād*.[3]

Muḥammad Bāqir al-Ṣadr mentioned that al-Muḥaqqiq did not refrain from using the term *ijtihād* after it developed to mean the effort which a jurist makes in reaching a judgement from his evidence and sources. Therefore it became no longer one of the sources of deduction, but a method of deduction of judgement from which the jurist derives laws. The difference between the two meanings is of the utmost importance because the jurist in the first meaning of *ijtihād* derives laws on the basis of his own individual views and particular inclinations where the text is not available. On the other hand, the new usage does not permit the jurist to justify any laws of the Sharī'a in this

[1] al-Murtaḍā, *al-Dharī'a*, Vol.2, p.308.
[2] Calder, Norman, *The Structure of Authority In Imāmī Shī'ī Jurisprudence,* PhD thesis, School of Oriental and African Studies, 1980, p. 236.
[3] al-Ḥillī, al-Muḥaqqiq, *Ma'ārij al-Uṣūl*, Qumm, 1983, p.179.

second meaning. *Ijtihād* in this second meaning is not a source for laws, but for a process of deduction to derive laws from their sources.[1]

In spite of this limited development of the word *ijtihād* by al-Muḥaqqiq and the new meaning it acquired, the second vital stage in the development of the theory of Shī'ī *ijtihād* happened when al-'Allāma introduced the word *ẓann* into his definition of *ijtihād* as "doing one's utmost" in deducing which of the cases is covered by *ẓann* as opposed to *qiyās*.[2]

The achievements of al-'Allāma, as some specialists have mentioned,[3] could be summed up under two points: first, that he proposed new terminology for the organisation and evaluation of *ḥadlth*. The second was his adoption of technical terminology in *uṣūl*, in an attempt to present a solid base for process of *ijtihād*.

The conclusions he reached are that the actions of the ordinary person, *muqallid*, must rest on the opinion, *ẓann*, which the Mujtahid reaches.

It is worth mentioning that what al-Murtaḍa wrote in his *Dharī'a* remained the basis to which the *fuqahā'* who came after him referred, as can be seen in the writings of al-Muḥaqqiq which are preserved in the *Dharī'a*, such as imitation in matters related to the bases of belief,[4] the characteristics of the *muftī*,[5] and others.

And despite the individual and better arrangement of *uṣūl* by al-'Allāma, most of these subjects had already been covered by al-Murtaḍā, such as the

[1] al-Ṣadr, *al-Ma'ālim al-Jadīda*, p.26.
[2] al-'Allāma, *Mabādi' al-wuṣūl ilā 'ilm al-uṣūl*, p.240.
[3] Calder, p.230.
[4] *alDharī'a*, Vol. 2, p.312; *al-Ma'ārij*, p.199.
[5] *alDharī'a*, Vol. 2, p.313; *al-Ma'ārij*, p.197.

condition of the *mujtahid*,[1] correction by the *mujtahid*,[2] and the legality of *taqlīd* [3]

Thanks to the liberal intellectual atmosphere prevailing at the time of al-Muḥaqqiq al-Ḥillī, a new interest in Ibn Junayd's theories was possible. These theories started to surface in *fiqh* studies after having been neglected or contested until al-Muḥaqqiq's times. Ibn Junayd relied on reasoning as an essential means in the deduction of legal rules. His views were expounded with great respect by al-Muḥaqqiq and al-'Allāma al-Ḥillī. The latter, who quoted a great deal of his theories in his books, described him as "one of the greatest Shī'ī *'ulamā'* and the finest of them in the deduction of *fiqh*".[4]

THE THREE ABBASID CALIPHS

Al-Muḥaqqiq did not have to face strong political crises, despite the fact that he lived at the time of the turbulent events which brought about the collapse of the 'Abbasid califate in 656/1258 at the hands of the Mongols. Al-Muḥaqqiq was a contemporary of three 'Abbasid Caliphs, al-Nāṣir li-Dīn Allāh (575-622/1179-1225), al-Mustanṣir Billāh (623-640/1226-1242), and al-Musta'ṣim Billah (640-656/1242-1258). The first, as we have already seen, was a supporter of the Shī'a; whereas the second was not known for having a particular "bias" for any sect in Islam, although he was accused of supporting the Shī'a and of seeking their sympathy by erecting holy shrines for their Imāms.[5] Ithnā'asharīs however were not keen in his days to get close to the central government which had allowed *fuqahā'* of the four Sunnī sects to become involved in a great deal of activity. It seems that this Caliph

[1] *alDharī'a*, Vol. 2, p.316; *al-Mabādi'*, p.241.
[2] *alDharī'a*, Vol. 2, p.313; *al-Mabādi'*, p.244.
[3] *alDharī'a*, Vol. 2, p.314; *al-Mabādi'*, p.246.
[4] The introduction of *Jāmi' al-maqāṣid*, Vol. I, p.22.
[5] al-Yāfi'ī, *Mir'āt al-jinān*, Vol. VIII, p.739.

wanted, through the establishment of the Mustanṣiriyya School (631/1233) in Baghdad,[1] to make any sectarian activity an "official" one which he would control.

Such a separation is reflected in Raḍī al-Dīn ʻAlī ibn Mūsā Āl-Ṭāwus's (d. 664/1265) rejection of both the position of minister and that of representative of the Family of Imām ʻAlī (*Naqabat al-Ṭālibiyyīn)* under this Caliph.[2] He agreed, however, to represent the *Ṭālibiyyun* in Iraq in the year 661/1262 and was so appointed by Hūlāgū. He became famous after the fall of Baghdad for his *fatwā* stating his preference for a just and non-Muslim ruler over an unjust Muslim one.[3]

The Ithnāʻasharī institution started to follow an increasingly autonomous course, gaining independence from temporal power. The Shaykh Najīb al-Dīn Muḥammad ibn Jaʻfar Ibn Nammā al-Rabaʻī al-Ḥillī (d. 645/1247) started the establishment of organized centres of research in al-Ḥilla far away from the influence of political conflicts.

Al-Mustaʻṣim was weaker than his predecessors. His inclination for pleasure and lack of interest in academic matters resulted in the strengthening of his Shīʻite minister, Mu'ayyid al-Dīn Muḥammad ibn al-ʻAlqamī (d. 656/1258), who became a prominent figure in politics.[4]

NAṢĪR AL-DĪN AL-ṬŪSĪ

In such a historical context, the Ithnāʻasharī school was able to free itself from ideological pressure and influence. Thanks to the efforts of a great Ithnāʻasharī philosopher, Naṣīr al Dīn al-Ṭūsī (597-672/1200-1273), the fall

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1 *al-Ḥawādith al-jāmiʻa*, p.55.
2 Ibn Ṭāwūs, *Kashf al-maḥajja ʻan thamarāt al-muhja,* p.109.
3 al-Amīn, *Aʻyān al-Shīʻa*, Vol. V, p.212.
4 Ibn al-Ṭiqṭaqā, *al-Fakhrī fī l-ādāb al-ṣulṭāniyya,* p.290.

of the ʻAbbasid Califate and the Mongol penetration of Iraq did not affect the strength of the influence of the *fuqahā'* on the structure of scholarly studies in the city of al-Ḥilla. Naṣīr al-Dīn al-Ṭūsī indeed was able to establish good relations with Hūlāgū, who appointed him as a minister in 662/1263, granted him full control over *awqāf* matters and entrusted him with general inspection in the country. These *awqāf* were among the factors which contributed to helping schools and religious institutions continue their cultural missions in the same way as during the ʻAbbasid period.[1] Naṣīr al-Dīn is to be credited with the preservation and reformation of *awqāf* after the decline they had experence under the ʻAbbasids. He established the principles regulating these *awqāf,* in addition to organizing the wages of *fuqahā'* and teachers, and to providing material resources according to the conditions set by donors.[2]

During this very period, Naṣīr al-Dīn al-Ṭūsī established relations with the *fuqahā'* in al-Ḥilla. He visited this city, where he was most impressed by its sophistication, and he expressed his admiration for al-Muḥaqqiq following a discussion they had over *fiqh* matters in which al-Muḥaqqiq eventually had the last word.[3]

Naṣīr al-Dīn's prominence in philosophy and mathematics -"he was considered one of the greatest mathematicians and philosophers in Islam"-[4] had a tangible effect on the Ḥilla school. Al-ʻAllāma al-Ḥillī, his student, introduced Naṣīr al-Dīn's philosophical thought to educational institutions through his book *Tajrīd al-iʻtiqād,*[5]which he expounded himself. The book is still studied today.

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[1]*al-Ḥawādith al-jāmiʻa*, p.333.

[2]Āl Yāsīn, p.140.

[3]al-Baḥrānī, *Lu'lu'at al-Baḥrayn*, p.240.

[4]See Momen, Moojan, *An Introduction To Shi'i Islam,* New Haven, 1985;al-Daffāʻ, ʻAbd Allāh, *Nawābigh ʻUlamā' al-ʻArab wa-l-muslimīn fi al-riyāḍiyyāt,* Cairo, 1977, p.192.

[5]Published in Beirut, 1986.

An innovation in this book is apparent in the way Naṣīr al-Dīn "mixes for the first time philosophy and *'Ilm al-kalām* to the extent that they become one and the same thing".[1] Despite what has been said regarding Naṣīr al-Dīn's attempt to study *fiqh* under his student al-'Allāma al-Ḥillī,[2] *fiqh* had no influence on his thought and he did not leave any written work in this field.

Both his scholarly reputation and his presence at the centre of power allowed Naṣīr al-Dīn to become an essential instrument in the transformation of the Ithnā'asharī school, within a very short period of time, from a non-political one into one which was at the heart of politics. After having stayed away from politics during the last days of the 'Abbasid state despite the latter's support for the Shī'īs, the Ithnā'asharīs now became involved in policy-making in an unprecedented way. It is remarkable that a prominent Ithnā'asharī figure such as Raḍi al-Dīn ibn Ṭāwūs, who had abstained from issuing *fatwās* for fear of the responsibility involved, broke his silence and issued a political *fatwā* because he was convinced that such a *fatwā* carried great benefits for his sect.[3]

Naṣīr al-Dīn was successful in attracting prominent figures in the Mongol government and establishing intellectual links with them. He was granted the means to build the Marāgha observatory which was considered to be the greatest ever known in the East. He also established a large library and taught philosophy to a large number of experts, some of whom, such as the historian Ibn al-Fuwāṭī, became very famous.

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[1] Shībī, *al-Ṣila bayna l-Taṣawwf wa-l-Tashaiyyu'*, Vol. II, p.87.

[2] Khwansārī, Vol. VI, p.302; Baḥrānī, p.246.

[3] When Hūlāgū had completed his control on Baghdad, he ordered the *'ulamā'* to attend a meeting at al-Mustanṣiriyya school. he sought their opinion about which is more convenient in the eye of religion: a just blasphemous Sulṭān or unjust Muslim one. When they heard the case they were not able to give a decisive answer, but Ibn Ṭāwūs gave his opinion by which he preferred the former to the latter. See Ibn Ṭiqṭaqā, *al-Fakhrī*, p.17.

Because of his links with Hūlāgū, Naṣīr al-Dīn was accused of collaborating with the Mongols in bringing the 'Abbasid Califate to an end. Similar accusations were also directed against the minister Ibn al-'Alqamī and the 'Abbasid Caliph al-Naṣīr li-Dīn Allāh himself.[1] Although perhaps genuine, such accusations were irrelevant as these factors could not have been decisive in bringing about the fall of the Califate in view of the complex circumstances that prevailed at that time.[2]

If historians who claim that Naṣīr al-Dīn contributed to the destruction of the 'Abbasid Califate are right,[3] this means that he is among the first philosophers who succeeded in eliminating governments which *'ulamā'* did not trust, in preparation for their replacement by political systems consistent with their ideas and beliefs.[4]

THE SCHOLARLY WORKS OF AL-'ALLĀMA AL-ḤILLĪ

During the days of al-'Allāma al-Ḥillī, the religious and political authorities became deeply involved with each other amongst the Ithnā'asharīs. This was a result of the strong support granted to the Shī'ites by the Mongols.

Al-'Allāma al-Ḥillī played a significant role in the history of the Ithnā'asharīs as he succeeded in becoming the dominant symbol of the religious "leadership". He devoted his life to the creation of a generation of

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[1]Ibn al-Athīr, Vol. VII, p.261.

[2]Ḥasan al-Amīn considered that Naṣīr al-Dīn's scientific reputation saved him from certain death when the Ismā'ilī Castles fell to the Mongols. Naṣīr al-Dīn had fled to these castles 28 years before. The castles are fortified and can only be reached by a narrow passage, and are situated to the northwest of the city of Qazwīn. See al-Amīn, Ḥasan, *al-Ghazw al-maghūlī li-l-Bilād al-Islāmiyya,* Beirut, 1976, p.11; and see also Halm, Heinz, *Shi'ism*, London, 1990, p.64, translated from German by Janet Watson.

[3]al-Qazzāz, Muḥammad Ṣāliḥ Dāwud, *al-Ḥayāt al-siyāsiyya fī al-'Irāq fī 'ahd al-ṣayṭara al-maghūliyya,* Najaf, 1970, p.98.

[4]Muqallad, p.19.

followers. "Five hundred *mujtahids*" are said to have graduated at his school in *Sharī'a* and other fields.[1]

Al-'Allāma was able firmly to re-impose rational analysis which had lost its strength since al-Murtaḍā and Ibn Idrīs. Some of his students tried to follow him in this respect without however being able to reach his degree of universality. He wrote many books on various subjects outside the feild of *fiqh*, such as *'ilm al-kalām,* philosophy and logic. He wrote twenty-two works on *'ilm al-kalām* and twenty-five others on philosophy and logic.[2] In his works he discussed the theories of the ancient philosophers, explained Ibn Sīnā's *al-Ishārat wa-l-tanbīhāt*, by contrasting it with other existing accounts, such as those of Fakhr al-Dīn al-Rāzī (d. 606/1209) and Naṣīr al-Dīn al-Ṭūsī. He explained, discussed and disputed Ibn Sīnā's *al-Shifā'*. He also wrote a commentary on the book *Tajrīd al-i'tiqād* of his teacher Naṣīr al-Dīn al-Ṭūsī. He produced studies on logic, in which he discussed some of the works of Shihāb al-Dīn al-Suhrawardī (killed 587/1191) and those of Najm al-Dīn al-Kātibī al-Qazwīnī, known as Dabīrān (d. 675/1276).[3] Working against this background, and as a result of his interest in philosophy and polemics, al-'Allāma was able to establish the foundations of the sect on rational and traditional grounds.

He was also able to transcend the efforts that had previously been deployed in the field of *fiqhī* deduction, adding important contributions which gave his books the status of reference works. His writings on *fiqh* and *uṣūl* are prolific and comprehensive. Indeed he wrote more than twenty books in this field. Among the most famous is *Mukhtalaf al-Shī'a fī aḥkām al-sharī'a,* in which he undertakes a comparative study of the theories of the Shī'ī *'ulamā'* on controversial matters of *fiqh*. He brought back to the surface the

[1] al-Ṣadr, Ḥasan, *Ta'sīs al-Shī'a li-'ulūm al-Islām,* p.270.
[2] Baḥr al-'Ulūm, Mahdī, *Rijāl Baḥr al-'Ulūm*, Vol. II, Najaf, 1965, pp.257-294.
[3] Āl Yāsīn, p.160.

theories of Ibn Abī 'Aqīl and Ibn al-Junayd and dealt with the works of al-Mufīd, al-Murtaḍā, al-Ṭūsī, and Ibn Idrīs. He divided his book into independent *fiqh* chapters, which he in turn divided into sections called *maqāṣid,* in each of which he tackled various questions.

The method he followed in this book consisted in exposing a problem of *fiqh*, then enumerating the multiple theories this question raised among *fuqahā'* and finally either picking up the theory he found most adequate or stating an independent one of his own. He indicated the reasons and objectives of writing *al- Mukhtalaf*:"When I read the books and articles of our early *fiqhī 'ulamā'*, I discovered their disagreement on many questions as well as the wide range of different objectives they had. My wish is to group all these questions into one book which would only deal with subjects of disagreement in *fiqh* and legal *aḥkām* among the *'ulamā'*. Matters of agreement are left out as they constitute the material of our major work, *Muntahā al-maṭlab fi taḥqīq al-madhhab,*[1] which deals with points both of agreement and disagreement. Here we limited ourselves to matters that became the object of disputes. Every time we found an established evidence supporting a given point of view, we stated it. Otherwise, in the absence of such an established evidence, we derived it through reasoning, and stated it. We then fairly and justly arbitrated between them all and we came out with this book, *Mukhtalaf al-Shī'a fi aḥkām al-sharī'a.* None of the previous *'ulamā'* ever achieved what is achieved in this book, and none ever used the method of deduction it follows".[2]

Two of his other works, *Minhāj al-karāma fi bāb al-Imāma* and *Nahj al-ḥaqq wa-kashf al-ṣidq*, were written for the Mongol Sulṭān Khudābanda, (Ūljāytū) (703-713/1304-1313), who had officially declared his conversion to

[1]al-'Allāma deals in this book with both controversial and agreed matters in the Islamic sects.

[2]al-'Allāma al-Ḥillī, *Mukhtalaf al-Shī'a fi aḥkām al-sharī'a,* Iran, 1905, p.8.



Shī'ism around the year (705/1305).[1] In the first book, he clarified in detail the Ithnā'asharī traditional and rational foundations that have made *Imāma* one of the bases of belief. The importance this book represented provoked a reaction from Taqiyy al-Dīn ibn Taymiyya al-Ḥarrānī (661-728/1263-1327), who wrote *Minhāj al-sunna al-nabawiyya*[2] in reply to it. Two centuries later, in 909/1503, an answer to his second work *Nahj al-ḥaqq* came from one of the greatest Shāfi'ī *'ulamā'*, Faḍl Allāh ibn Ruzbahān al-Aṣfahānī, in a book called *Ibṭāl nahj al-bāṭil.* The Qāḍī Nūr Allāh al-Tustarī tried in his turn to answer *Ibṭāl nahj al-bāṭil* in his book *Iḥqāq al-ḥaqq wa-izhāq al-bāṭil,*[3] an attempt which cost him his life in 1019/1610 when he was brutally assassinated in India by fanatics.[4]

Nahj al-ḥaqq included studies on the foundations of religion and beliefs and their related evidence, in addition to studies on *uṣūl al-fiqh.*[5]

The classification followed in this book indicates that it was aimed at attracting Sulṭān Khudābanda's attention to the rational evidence that had largely been established by al-'Allāma al-Ḥillī, in an attempt to base the beliefs of the Ithnā'ashariyya on rules that are derived from both tradition and reason. The book reveals the vast knowledge of its author as well as his ability in the presentation of evidence in a more comprehensible way. It is divided into topics that constitute whole summaries of the main topics in *'ilm al-kalām (al-tawḥīd, al-nubuwwah, al-imāma,* and *al-ma'ād)* ,which it deals with extensively (342 pages in the printed copy). In addition, studies on *uṣūl al-fiqh* and on *fiqh* occupy 30 and 170 pages respectively.

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[1]Khwansārī, Vol. II, p.281.

[2]Ibn Taymiyya's *Minhāj al-Sunna al-Nabawiyya,* and al-'Allāma's *Minhāj al-karāma* edited by Dr. Muḥammad Rashād, Cairo, 1962.

[3]Published in 26 volumes, edited with notes by Sayyid Shihāb al-Dīn al-Mar'ashī, Qumm, 1958-1985.

[4]al-Mar'ashī's introduction to *Iḥqāq al-ḥaqq*, Qumm, 1958, p.159; al-Amīn, Ḥasan, *Dā'irat al-Ma'ārif al-Shī'iyya,* Vol. I, p.92;al-Ṭihrānī, *al-Ḥaqā'iq al-rāhina fī al-mi'a al-thāmina,* Beirut, 1975, p.53.

[5]Riḍā al-Ṣadr's introduction to *Nahj al-ḥaqq,* Beirut, 1982, p.34.

The author sought to present a comparative methodology in the study of the questions related to *uṣūl al-fiqh* and to *fiqh*, by showing the reader the strength of his demonstrations and his mastery of arguments in discussion with his contestants. This is why the study of *uṣūl al-fiqh* is not exhaustive, but is restricted to those aspects that served his goals in the discussion of his opponents' stands.

In the case of *fiqh*, he referred to specific issues by comparing them with the theories of leading *fuqahā'* among the Islamic sects. His method consisted in first stating Ithnā'asharī views on a certain matter, then the opposing views and finally his own personal ones. It seems that, for the sake of concision, he did not mention the views of *fuqahā'* from sects that were in agreement with the Ithnā'asharīs on those specific *fiqh* issues, but restricted himself solely to opposing views.

Al-'Allāma al-Ḥillī indicated that he was seeking concision in his book, thus limiting his discussion of the theories of leaders of sects to specific questions. His book is considered to have paved the way for a new era, as it succeeded in eliminating the confusion that characterised those sects which opposed the Ithnā'ashariyya, by undermining their beliefs and confronting them with strong arguments.

PROCLAMATION OF SHĪ'ISM AS THE OFFICIAL DOCTRINE

The name of al-'Allāma al-Ḥillī first emerged in the court of the Mongol Sulṭān Khudābanda around (705/1305)[1] when he successfully confronted Sunnī *'ulamā'* with his theories, thus providing Khudābanda with a pretext for converting to the Ithnā'asharīyya and proclaiming it the official doctrine in the country.

[1] Halm, p.68.

The Sulṭān had been the object of an insurmountable *fiqhī* problem which none of the *fuqahā'* surrounding him was able to resolve, when Khudābanda, after divorcing his wife with the three required injunctions but issued on one occasion, decided to take her back. Al-Khwansārī relates:"When Khudābanda quarrelled with his wife, he told her, "I divorce you", three times, then regretted it. He then gathered the *'ulamā'* and requested a legal way out".[1]

The heads of the Sunnī sect stumbled over the *fatwā* that states that a return to the divorced one is not allowed, unless she first gets married to another man. This differs from the Ithnā'asharī position which puts limitations on divorce by requiring the three injunctions to be issued on three separate occasions. It seems that this *fiqhī* issue was the prelude to the gathering of the *'ulamā'* and to free discussions between them and al-'Allāma al-Ḥillī.

No doubt the young Sulṭān, had be wished, would have been able to hush up such a personal question. A personal matter of this nature could not be significant in itself and must have masked specific political objectives. It seems that an agreement had been reached earlier between the Sulṭān and al-'Allāma whereby the political authority would declare its official conversion to Shī'ism after having kept this conversion secret for a while. It is also likely that al-'Allāma was behind proposing an open discussion with opposing sects, having the conviction that he would be capable of weakening them, thus allowing for a political and ideological expansion of the Ithnā'asharīs.

The traditional enemy of al-'Allāma al-Ḥillī, Taqiyy al-Dīn ibn Taymiyya -who lived in Bilād al-Shām, which opposed the Mongol states politically-

[1] Khwansārī, *Rawḍāt al-jannāt,* Vol. II, p.279.

became aware, however, of the political trick behind the *fiqhī* debate. In an attempt to defeat al-'Allāma al-Ḥillī and embarrass the Sulṭān, he issued a *fatwā* stating that "divorce after three injunctions can only take place once",[1] as it is proclaimed in the Ithnā'asharī sect. He was in this contradicting all that had been unanimously said in the past. Later his *fatwā* upset the Sunnī *fuqahā'* and led to his imprisonment by the Mamlūk authorities. Ibn al-Wardī (d. 750/1349) said that Ibn Taymiyya had helped his enemies by "getting involved in great questions that are beyond the comprehension of contemporaries, such as the question of divorce occurring once only following the three injunctions and following an amazing political ploy which led him to prison several times in Cairo, Damascus and Alexandria".[2]

Al-Ṣafadī (d. 764/1362) wrote that Prince Sayf al-Dīn Tankaz in the year 719/1319 gathered the *fuqahā'* and judges and read before them a letter from the Sulṭān which in one of its sections referred critically to Shaykh Taqī al-Dīn's *fatwā* on divorce. In 720/1320, a council was summoned in *Dār al-Sa'āda* which re-examined the *fatwā* on divorce. Ibn Taymiyya was criticised and imprisoned in the jail of Damascus.[3]

Shī'ī historians place the beginning of Mongol Shī'ism at the time of Khudābanda, without distinguishing between the personal conversion of this Sulṭān and his proclamation of Shī'ism as the official sect.[4] Shī'ism actually existed in his family before and after Khudābanda.[5] Evidence of this is found in the fact that after the Mongols penetrated Iraq and halted the succession process of the 'Abbasid state, they would have the opportunity to uphold the

[1]Munajjid, Ṣalāḥ al-Dīn, *Shaykh al-Islām Ibn Taymiyya*, Beirut, 1976, p.22.
[2]Munajjid, p.22.
[3]*Idem*, p.52.
[4]Khwansārī, Vol. II, p.283.
[5]al-Amīn, *Dā'irat*, p.423.

Shī'ī principle of "text and nomination" (*al-naṣṣ wa-l-ta'yīn*)[1] in government, which is considered by the Ithnā'asharīs as a legal substitute for caliphal succession. When Maḥmūd Ghāzān (694-703/1295-1304) converted from Christianity to Islam in 694/1295, he chose the Ithnā'asharī sect.[2] He glorified the latter's symbols, granting a great importance to *Ahl al-Bayt*, visiting the holy shrines of the Ithnā'asharī Imāms in al-Najaf and in Karbalā' and making donations. Such visits have been interpreted as an attempt at winning the confidence of the Shī'īs and creating a favourable public opinion in his struggle against the Mamluks -as they had destroyed Ayyūbid rule in Syria in 648/1250- after having failed to gain support from the Sunnīs, and finally giving legitimacy to his invasion.[3]

Whatever the case may be, Ghāzān did not reveal his Shī'ism and did not try to declare his sect officially. He preferred to wait until his brother Khudābanda was able to achieve this concealed aim. The Sulṭān proceeded to introduce new measures in order to change the system of the Īlkhānid rule according to the teachings of the new sect. The names of the first three *Rashidūn* Caliphs were dropped in the Friday *khuṭba* and were replaced by the names of the Ithnā'asharī Imāms. Changes also included the minting of coins (*sikka)*, with the mention of "*'Alī Walī Allāh*" being added to the two testimonies (*Shahāda).* Khudābanda ordered also the minting of a new coin, a *dirham* displaying his name surrounded by that of the twelve Ithnā'asharī Imāms.[4] The Īlkhānid palace became open to the Shī'a *'ulamā'* who came from all over the country and succeeded in constituting an influential force

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[1]The Concept of *al-naṣṣ wa-l-ta'yīn* means that the infallible Imāms have been appointed by the divine will to be the legitimate Caliphs to succeed the prophet. Justification for this is enshrined in Shī'ī *ḥadīth*.

[2]Ṭāha, Badr M., *Maghūl Iran bayn-l-Masīḥiyya wa-l-Islām*, Cairo, 1961, p.16.

[3]al-Qazzāz, p.299.

[4]For these coins see Smith, John Masson, *The history of the Sarbadār Dynasty 1336-1381 A. D. and its Sources,* Paris, 1970, p.193;Ma'rūf, Nājī, *al-'Umla wa-l-nuqūd al-Baghdādiyya*, Baghdad, 1967, p.45.

which, according to Ibn Baṭūṭa, pressed the Sulṭān to call people to conversion to Shī'ism.[1]

Khudābanda's strength became such that he sent an army under the command of Abū Ṭālib al-Dullaqandī and Ḥumayḍa ibn Abī Numay, the Amīr of Mecca, to head for Medina and impose Shī'ism in the Ḥijāz.[2]

This powerful Sulṭān also entrusted al-'Allāma al-Ḥillī with the propagation of the message through unprecedented intellectual and advertising means. A "mobile school" was set up, which travelled throughout cities and villages, carrying with it all kinds of necessary equipment and tents. The school moved from Adharbayjān in summer to Baghdad in winter.[3] Khudābanda participated personally in the activities of this school.[4] During his stay at the court of the Sulṭān, al-'Allāma wrote for him several books, some of which -although their scholarly importance is not denied- became famous mainly for their political dimension, such as *Minhāj al-karāma* and *Kashf al-ḥaqq*. In his introduction to both books, al-'Allāma stated that they were written at the request of the Sulṭān.

It is significant that his book *Kitāb al-Alfayn fī imāmat Amīr al-mu'minīn*, (2,000 proofs of Imām 'Alī's leadership), which is considered among the works on the Imāmate as the best argued one, was also written when he was at the court of Sulṭān Khudābanda. This indicates that al-'Allāma tried to concentrate his efforts on consolidating sectarian research and basing it on pure reason. He wrote in his book: "We have reached the last of what we have wanted to discuss in this book in Ramaḍān in the year of 712 A.H.

[1]al-Qazzāz, p.297.
[2]*Idem,* p.302.
[3]The introduction of Mahdī al-Khirsān to *al-Alfayn* written by al-'Allāma, Najaf, 1964, p.25.
[4]*Rawḍāt al-jannāt*, Vol. II, p.282.

(1312 A.D.), in the city of Jurjān, in the company of the great Sulṭān Ghiyāth al-Dīn Muḥammad Ūljāytū, God preserve his reign."

No other book before the *Kitāb al-Alfayn* is considered as exhaustive on the subject of the Imāmate. In it, al-'Allāma tried to interpret traditional texts through rational arguments. He wrote in his introduction: "I have used a thousand indisputable traditional and rational proofs on the Imāmate of 'Alī ibn Abī Ṭālib, *Amīr al-mu'minīn*, and another thousand proofs refuting the claims of opponents. I also provided enough evidence on the other Imāms".[1]

The book, however, provided only one thousand and thirty eight proofs out of the two thousand promised by the author. His son, Fakhr al-Muḥaqqiqīn claims to have completed the writing of this book.[2]

In addition to what has preceded, al-'Allāma al-Ḥillī was able to bring back the creativity which was a characteristic of al-Murtaḍā and Ithnā'asharī thought. He indeed contributed to the critical re-examination of a number of sciences, in particular *'ilm al-uṣūl* and *'ilm al-kalām*. In the field of *uṣūl al-fiqh*, he interpreted two books, one by Abū Ḥāmid al-Ghazālī (d. 505/1111), *Sharḥ Ghāyat al-wuṣūl ilā 'ilm al-uṣūl* and the other by Abū Bakr al-Jaṣṣāṣ (d.370/980), *Sharḥ al-Mukhtaṣar fī uṣūl al-fiqh*. He tried to provide a personal interpretation of the *Mukhtaṣar*, following in this his own *ijtihād* method. Some scholars view this work as the result of a rapprochement between some Sunnī sects and the Ithnā'asharīs. Al-'Allāma's goal, however, was to try and introduce some Ithnā'asharī elements within Sunnism and transform the latter according to his own vision.

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[1] al-'Allāma al-Ḥillī, *al-Alfayn fī imāmat Amīr al-Mu'minīn*, Beirut, 1982, p.11.
[2] al-Baḥrānī, *Lu'lu'at*, p.192.

AL-ḤILLA AFTER AL-'ALLĀMA

In the absence of a prominent successor to al-'Allāma al-Ḥillī, whose varied scholarly interests and vast knowledge of contemporary cultural trends remained unmatched following his death, the school of *ijtihād* suffered a great deal under the weight of this legacy. This period reminds us of the one which came after al-Shaykh al-Ṭūsī during which the *ijtihād* school had experienced stagnation. The effect this time, however, was less significant than the one felt with the emergence of the Muqallida. Indeed, al-'Allāma al-Ḥillī's students and those influenced by his rational course devoted a particular attention to his thoughts and works, and their real and persistent effort in this respect was such that his legacy could not be confined within a precise period. Al-'Allāma's son Muḥammad ibn Al-Ḥasan, known as Fakhr al-Muḥaqqiqīn (682-771/1283-1369), succeeded his father in the religious leadership. Although his books reveal a vast knowledge and a religious as well as sectarian culture, he did not make a genuine personal contribution, in view of the merging of his efforts with those of his father. During al-'Allāma al-Ḥillī's lifetime, he had been his companion in his journey to Khudābanda, and after his father's death he had completed the works al-'Allāma had left unfinished. The important thing is that this *faqīh* was able to preserve the *ijtihād* school and keep al-Ḥilla as a religious and philosophical centre for Shī'ism.[1] A number of students graduated under his supervision and eventually faithfully followed the *ijtihād* course that had been drawn by the genius of al-'Allāma al-Ḥillī.

The importance of this *faqīh* is also found in his ability to communicate the thought of the Ḥilla school to Jabal 'Āmil through his student, Muḥammad ibn Jamāl al-Dīn Makkī al-'Āmilī, known as al-Shahīd al-Awwal (the First Martyr), killed in 786/1384. Shī'ism thus found a dynamic

[1] al-Ṭihrānī, *al-Ḥaqā'iq al-rāhina*, p.53.

scholarly basis in Bilād al-Shām from where it provided the sect with a valuable political and scholarly yield for centuries to come.

POINTS OF CONCLUSION

1-The apparent link between the religious authority of the Ithnā'asharīs as represented by al-'Allāma al-Ḥillī and the Mongol political authority was no more than a pretext for establishing the legitimacy of the Mongol state which destroyed the 'Abbāsid Califate. The Mongol rulers found in the Ithnā'asharī theory of *al-naṣṣ wa-l-ta'yīn* the sole means of asserting their political legitimacy. Some of them therefore adopted Shī'ism as a means of achieving their political goals.

2-Despite the inclination of some of the Mongol rulers, such as Ghāzān, towards Shī'ism, the latter became the official sect only under Sulṭān Ūljāytū (Khudābanda). It seems that the decision of the young Sulṭān was influenced by al-'Allāma al-Ḥillī.[1] They both found in a controversial *fiqhī* matter which opposed Shī'ī and Sunnī *fuqahā',* a political pretext for proclaiming Shī'ism as the official state sect.

3-Because of the inclination or conversion of some of the Mongol rulers to Shī'ism, Sunnī historians have exaggerated the extent of the damage inflicted on Iraq by the Mongol invasion and did not distinguish between various periods of Mongol rule. Hūlāgū for instance did not follow the path of his

[1]Khudābanda was 28 then, and the 'Allāma 52.

grandfather Gengis Khān in destroying the cities that fell under his control and killing their inhabitants, as in Khurāsān.[1]

4-The Ḥilla school was able to produce research of a wider scope than any of the previous ones, especially in the fields of *fiqh* and *uṣūl*. Al-Muḥaqqiq al-Ḥillī replaced old academic books such as al-Ṭūsī's *al-Nihāya* with his own book on *fiqh*, *Sharā'i' al-islām.*

5-The rational trend of *fuqahā'* in this school also developed thanks to the efforts of Naṣīr al-Dīn al-Ṭūsī, who merged *'ilm al-kalām* and philosophy and came out with a new methodology for the study of Ithnā'asharī beliefs. *Uṣūl al-fiqh* was also affected by this trend as it started borrowing the terminology of both logic and *'ilm al-kalām.*

[1] Ja'far Ḥusayn Khuṣbāk discusses this subject in his book *al-'Irāq fī 'ahd al-Maghūl al-Īlkhāniyyn*, Baghdad, 1968. He concludes that the history of the Mongols does not correspond to the picture drawn by unsympathetic authors.

CHAPTER III

THE SCHOOL OF JABAL 'ĀMIL

After reaching its peak in the time of al-'Allāma al-Ḥillī, the significance of the School of al-Ḥilla started waning, but it remained within the scholarly legacy left by the renewal introduced by the great jurist. The efforts of the *fuqahā'* were now limited to keeping and protecting his works, and to commenting and explaining them.[1] This may be attributed to the political atmosphere that resulted from the collapse of the Īlkhānid state in 736/1336 when the Jalāyirid Amīr Ḥasan.Buzurg and chūpānī Amīr Ḥasan Küchük nominated several rival rulers to Irān which their after became divided amongst several local dynasties.[2] After the death of al-'Allāma in 726/1325, there is scant reference to any political activity until the beginning of the ninth/fifteenth century,[3] except for the appearance of a few names such as Fakhr al-Muḥaqqiqīn, the son of al-'Allāma al-Ḥillī.

The era of al-'Allāma al-Ḥillī was rich in the history of Ithnā'asharī jurisprudence, both from the political and scholarly points of view. The *'ulamā'* of the period began to become famous, with titles and appellations which were unknown to previous jurists, such as *Āyat Allāh 'alā al-iṭlāq*[4] (Absolute Ayatollah), *'Allāma* (Most learned) and *Imām.*[5]

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[1]al-Jābirī, *al-Fikr al-salafī,* p.248.

[2]al-Amīn, *Dā'irat al-ma'ārif al-Shī'iyya,*Vol. 1, p.153.

[3]Muruwwa, 'Alī, *al-Tashayyu' bayna Jabal 'Āmil wa-Īrān,* Beirut, 1987, p.19.

[4]Some researchers reported that the title of Āyat Allāh arose out of the victory in Persia of the Uṣūlī School over the Akhbārī School in the twelfth/eighteenth century. But in Shī'ī history this title comes into being in the time of 'Allāma al-Ḥillī in the eighth/fourteenth century according to his status and achievement in both scholarly and political development .

See Glasse, Cyril, *The Concise Encyclopaedia of Islam*, p. 59. From the beginning of this century until the 1970s the title *Ḥujat al-Islām wa-l-Muslimīn Āyat Allāh fī l-'ālamīn* was used for the *marja'* who assumed the leadership of the community. See Lyell, Thomas, *The Ins and Outs of Mesopotamia,* London, 1923, p.27.

[5]al-Tabrīzī, Mulla 'Abd Allah Afandī, *Riyāḍ al-'ulamā' wa-ḥiyāḍ al-fuḍalā',* Vol. III, Qumm, 1981, al-Khwansārī, Vol. II, p.269.

The period was also a dividing point between two eras, and Ithnā'asharī jurists have come to recognise that the period of al-Ḥillī offered great novelty. The jurists who preceded him became the 'Forerunners' *(al-Mutaqaddimūn),* and those who came after him are known as 'Later Jurists' (*al-Muta'akhkhirūn).*[1]

THE RELATIONSHIP BETWEEN THE SHĪ'ĪS OF BILĀD AL-SHĀM AND THE IRAQĪ SHĪ'Ī JURISTS

Although the scholarly position gained by al-Ḥilla was chiefly due to the great efforts made by al-'Allāma al-Ḥillī, it was the *fuqahā'* of Jabal 'Āmil who carried Shī'ī thought further, and maintained a high quality of scholarship for the later generations of *'ulamā'*.

The connection between the scholars of Bilād al-Shām and those of Iraq was but a continuation of old links which go back to the interrelationship between Aleppo, with Sidon and Tripoli, on the one hand, and the Shī'ī *fuqahā'* of Baghdad on the other. This link remained after the waning of the Baghdad school, and was revived by the school of al-Ḥilla.

The connection between the *fuqahā'* of Iraq and those of Bilād al-Shām goes back to the dissemination of Shī'ism in the Levant after the emergence of Shī'ī states in the fourth/tenth century. The Ḥamdānids ruled over Aleppo and Mosul from 317/929 to 399/1008, and the Buwayhids over Iraq and Persia from 320/932 to 440/1048. As to the Fāṭimids, they had governed Egypt and Syria from 358/968 to 567/1171,[2] and al-Suyūṭī mentions that in

[1]The introduction of Muḥsin al-'Irāqī to Aḥmad al-Ardabīlī's *Majma' al-fā'ida wa-l-burhān*, Qumm, 1982, p.15.

[2]Muruwwa, p.20.

the year 364/974 and subsequently, the Rafḍ movement [i.e. the Shī'īs] emerged and was strengthened in Egypt, the Mashriq and the Maghrib.[1]

The Shī'a of Syria had been in touch with the Iraqi *fuqahā'* since the time of al-Mufīd (d. 413/1022) and al-Murtaḍā (d. 436/1044). The most important document to this effect appears in the legal queries coming from Sidon, which al-Murtaḍā answered, and which were called the Sidonian *fatwās*, as well as several letters in answer to questions addressed to him from Tripoli.[2]

The influence of the *fiqh* School of Baghdad extended to Tyre and Sidon through the students of al-Mufīd and al-Murtaḍā, such as Shaykh Abū al-Fatḥ al-Karājukī (d. 449/1057), "who was the spiritual focus of most Shī'a in that region".[3]

The contacts remained strong between Jabal 'Āmil and al-Ḥilla in the fifth/eleventh century, and this constituted an important factor in encouraging some 'Āmilīs to work under al-Muḥaqqiq and al-'Allāma, as well as under Fakhr al-Muḥaqqiqīn. Among these 'Āmilīs was Ismā'īl ibn al-Ḥusayn al-'Ūwadī al-Jizzīnī (d. 580/1184), who returned to Jizzīn after a period of study in Iraq.[4] That was also the case of Ṭūmān al-Minārī (d. 728/1327), who emigrated to al-Ḥilla during the seventh/thirteenth century, and who was also awarded a license *(ijāza)* by its *fuqahā'*.[5]

According to an statement of al-Ḥurr al-'Āmilī (d. 1104/1692), who is the first scholar to have written on the jurists of Jabal 'Āmil, a great number of scholars came from the small village of Jizzīn, in south Lebanon where a

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[1] *Tārīkh al-Khulafā'*, p.406.

[2] See *Jawāb al-masā'il al-Ṭarābulusiyya al-thāniya* and *Jawāb al-masā'il al-Ṭarābulusiyya al-thālitha* in *Rasā'il al-Sharīf al-Murtaḍā*, Vol.1, pp.309-359.

[3] al-Baḥrānī, *Lu'lu'at al-Baḥrayn*, p.338; al-Nūrī, *al-Mustadrak*, Vol. III, p.497.

[4] al-'Āmilī, Muḥammad Ḥassan, *Amal al-Āmil fī 'ulamā' Jabal 'Āmil*, Vol.I, Najaf, 1965, p.41.

[5] al-Amīn, *A'yān al-Shī'a*, Vol. VII, p.402.

significant intellectual activity could be found under al-Shahīd al-Awwal (734- 786/1333-1384).

Despite the freedom enjoyed by them in Bilād al-Shām for two hundred years from the beginning of the fourth/tenth century, history has not preserved a written register of Ithnā'asharī jurists, and nothing of significance has reached us. Perhaps this was due to the fact that Ithnā'asharī jurists did not get involved in any political activity, in spite of the presence of a Shī'ī state which would protect them.

During precisely that period (at the end of the seventh/thirteenth) century, Shī'ism in Bilād al-Shām, especially Syria and Lebanon, used to pay the price of its flourishing in Iraq and Persia, arising from the reinforcement of the spiritual institution represented by al-'Allāma al-Ḥillī, to the temporal power represented by the Mongol Sulṭān Khudābanda. Upon their accession to power after the Ayyūbids in 648/1250,[1] the Mamlūks directed the Sunnī internal front to stand against the ambitions revealed by the Mongols when they controlled Bilād al-Shām. Subsequently, Shī'ism in Syria found itself cut off in an antagonistic setting, forcing the Shī'īs to retreat into mountainous villages, and to live in forlorn cities like Karak, thus finding protection in faraway and fortified cities, where they took to studies and scholarship.[2]

Kisrawān was one of the fortifed mountainous areas where Shī'īs took refuge. But after the massacres perpetrated against them by Mamlūk armies at the beginning of the eighth/fourteenth century-massacres which were based on the legality of spilling Shī'ī blood uttered in Ibn Taymiyya's *fatwās*, no document on the Shī'ī presence in Lebanon has survived. Shī'īs dispersed through the villages of the Biqā' and in the area of Jizzīn. The Shī'īs were

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[1] *Wafayāt al-A'yān*, Vol. II, p.210.
[2] Shībī, Vol. II, p.129.

forced by the massacres to adopt a façade of Shāfi'ī belief throughout the eighth/fourteenth century.[1] Al-Miqdād al-Suyyurī nicknamed them "the pseudo-Sunnī coast dwellers", *ahl al-sawāḥil al-mutasanninīn*,[2] and the Shī'ī historian al-Khwansārī called them effete Shī'is.[3] From the voyage of Ibn Jubayr (d. 614/1217) in 579/1183, it seems that there were more Shī'īs than Sunnīs in Bilād al-Shām.[4] Yaqūt al-Ḥamawī (d. 626/1228) for his part relates that Ḥumṣ was full of Nuṣayrīs whom he describes as people of Imāmī origins who insulted the forefathers (*yasubbūn al-salaf*, i.e. the Ṣaḥāba).[5] In Bilād al-Shām, with time, the Ithnā'asharīs started a movement to reestablish the doctrine despite the adverse conditions: central to these efforts was Shaykh Muḥammad ibn Makkī al-'Āmilī, nicknamed after his death in 786/1384 *al-Shahīd* (the Martyr) and now known as *al-Shahīd al-Awwal* (the First Martyr), who tried to recreate the experience undergone under al-'Allāma al-Ḥillī, this time in Syrian territory.

AL-SHAHĪD AL-AWWAL

Al-Shahīd al-Awwal emigrated to al-Ḥilla in 750/1349, where he attended the *'ulamā''s* meetings, especially under Fakhr al-Muḥaqqiqīn, the son of al-'Allāma al-Ḥillī, who accorded him much respect and praised him highly, going so far as to call him "Imām".[6] Fakhr al-Muḥaqqiqīn played an important role in the emancipation of al-'Allāma's scholarly enquiry. This would eventually allow him to study also in non-Shī'ī schools in Egypt, Medina and Jerusalem under Sunnī teachers.[7]

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[1] Makkī, Muḥammad.'Alī, *Lubnān min al-fatḥ al-'Arabī ilā al-fatḥ al-'Uthmānī*, Beirut, 1979, p.230.
[2] al-Majlisī, *Biḥār al-anwār*, Vol. CVII, Beirut, 1981, p.185.
[3] *Rawḍāt al-jannāt*, Vol. XII, p.12.
[4] *Riḥlat Ibn Jubayr*, p.282.
[5] *Mu'jam al-buldān*, Vol. III, p.342.
[6] al-Majlisī, *Biḥār al-anwār*, Vol. CVII, p.178.
[7] al-Amīn, *Dā'irat al-mā'ārif al-Shī'iyya*, Vol. VII, p.60.

This universalizing, cross-sectarian approach is characteristic of the *'ulamā'* from Jabal 'Āmil. Many had studied under Sunnī *'ulamā'* after graduating with Shī'ī jurists, a reminder also of the jurists in Baghdad and their studies under the Mu'tazila during the 'Abbāsid period. In his letter to his student Ibn al-Khāzin, al-Shahīd al-Awwal himself mentions more than 40 shaykhs from Mecca, Madina, Baghdad, Damascus and Jerusalem.[1]

The position of al-Shahīd al-Awwal grew in importance upon his return to Jizzīn, where he established an institute for the teaching of *fiqh* and *uṣūl* at various levels, and emerged as a strong Shī'ī personality and as a focus for the Shī'īs, who were looking through him to regain some of the distinctive strength of identity which had been partially lost in the fray of the various oppositions to them posed by antagonistic political groups.

This position was not dissimilar to that of al-Mufīd, who had also suffered from the loss by the Shī'ī community of its identity in the wake of the political turmoil of the times and the emergence of wayward groups, except that the loss of identity in Jabal 'Āmil was a political loss which manifested itself in increasing intolerance towards non-Sunnī groups, and the combatting of any school outside the recognised Sunnī *madhāhib*.

Al-Shahīd al-Awwal tried to reestablish the "structure" of the Ithnā'asharī institutions by creating networks of officials which would represent him and were linked to him. The position of "*faqīh*" became central to a network of "agents-representatives" attached to his person as well as close to their popular base. One Sunnī historian indeed considered the death of al-Shahīd al-Awwal to be the consequence of this activity "as he had started to work in the mountainous area, far from the Sulṭān's spies in Damascus, and went as far as appointing representatives in Tripoli and other cities".[2]

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[1] al-Baḥrānī, *Lu'lu'at*, p.143.
[2] *Shadharāt al-dhahab*, Vol. VI, P.284.

From a historical point of view, before al-Shahīd al-Awwal there was no real activity in terms of expanding the role of the *faqīh* in "appointing representatives and *zakāt* and *khums* collectors from the people, and in establishing a strong and solid network for the first time in the history of the Ithnā'asharīs".[1]

Zayn al-Dīn al-Juba'ī, known as al-Shaḥīd al-Thānī (assassinated in 965/1558), did note that al-Shahīd al-Awwal saw the necessity of paying the *khums* to the deputy of the Imam, i.e. the jurist who has fulfilled the conditions of rule (*al-faqīh al-jāmi' sharā'iṭ al-ḥukm*).[2] Among Ithnā'asharī jurists, the legal expression *nā'ib al-imām* the deputy of the Imām, seems to have been used for the first time by al-Shahīd al-Awwal.[3]

The efforts of al-Shahīd al-Awwal represent a factor which was taken into account by Mamlūk power in view of his attempts to raise self awareness among the Shī'is, and to create a Shī'ī movement which was to have a special political importance in circles opposed to the Shī'is, and which Mamlūk rule tried to draw against its own opponents through political ruses.

A powerful sect opposed to the Mamlūks had appeared under the leadership of Muḥammad al-Yālūsh (killed 785/1383). This group seems to have been perceived as too powerful to oppose in a straightforward manner, and the apparatus of power in Damascus tried to subdue it by providing al-Shahīd al-Awwal with military support. Shī'ī sources accuse al-Yālūsh of prevarication and pretence to prophethood,[4] and it is also reported that al-

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[1]al-Ṣadr, Muḥammad Bāqir, *al-Miḥna*, Qumm, 1982, p.42

[2]*al-Rawḍa al-bahiyya fi sharḥ al-Lum'a al-Dimashqiyya,* Vol. II, p.79.

[3]Professor Madelung claimed that the title of deputy of the Imām first emerged during the Ṣafawid age. He may have been thinking the recognition by Shāh Ṭahmāsp of al-Karakī, for whom he wrote a *firmān* and to whom he gave the title of *Na'ib al-Imām*. As a matter of fact this title was created by Shahīd al-Awwal two centuries before the Ṣafawid empire was established. See Madelung, W., "Authority in Twelver Shī'ism in the absence of the Imām", p.186.

[4]Khwansārī, Vol. VII, p.4.

Yālūsh himself was a student of al-Shahīd al-Awwal and later deviated from him.[1]

No one specifies al-Yālūsh's sectarian allegiance, but it is possible to argue that he was at the head of a Shī'ī force which was not Ithnā'asharī, and that there was at that time no group close to Shī'ism among the Nuṣayrīs, who also played a role in those regions.

Some authors thought that al-Shahīd al-Awwal used to go to Damascus to be close to political developments, and these stays allowed him to impose himself on Syrian society in general, and on Damascene society in particular; so that he would have access to the apparatus of power in order to use it for his sectarian purpose, hence persuading power circles of the necessity to fight al-Yālūsh.[2]

History reveals, however, that the Mamlūks tried to prevent the union of those two forces by creating points of disagreement between them, and to assuage al-Shahīd al-Awwal with a view to destroying them both. This scheme succeeded with the confrontation of the two groups in al-Nabaṭiyya in a battle where many supporters of al-Shahīd al-Awwal lost their lives, prompting the name of the occasion as *Ma'rakat al-Shuhadā'*, "the Battle of the Martyrs".[3] But they ultimately won, and Muḥammad al-Yālūsh was killed by Mamlūk swords supported by an Ithnā'asharī *fatwā,* in the year 785/1383, just one year before the death of al-Shahīd al-Awwal.

After the victory of al-Shahīd al-Awwal in the Battle of the Martyrs, he tried to expand into "the circles of the Sunnified people of the coast", those Shī'īs who were hiding under the veil of Shāfi'ism, and he worked towards

[1] al-Amīn, *A'yān,* Vol. VII, p.60.

[2] See the introduction by Mahdī al-Āṣifī to *al-Lum'a al-Dimashqiyya* by al-Shahīd al-Awwal, p.136.

[3] al-Amīn, p.61.

asserting leadership over them.[1] But central power derailed his plans by supporting part of the Yālūsh followers, now led by Taqī al-Dīn al-Jabalī (patently from the mountains), and after him by Yūsuf ibn Yaḥyā, who strengthened their collaboration with the Mamlūk representative and governor of Damascus, Bidmar,[2] with as a consequence the arrest and imprisonment of al-Shahīd al-Awwal.

The authorities then proceeded to assess the consequences of the imprisonment, and found within a year the right circumstances to get rid of the prisoner. He appeared for judgement under a number of charges.[3] During the trial, strange associations developed. It was said that the Shāfi'ī judge forbad the Mālikī judge (whose school imposes the death penalty for apostasy even after repentance) to sentence him to death, although the decision of the Mālikī judge to execute him was decisive because of the prevailing pressures. In 786/1383 he was sentenced to death, by crucifixion, stoning and burning,[4] in the citadel of Damascus,[5] in the presence of a large crowd of onlookers. The political authority was then finally able to get rid of a difficult enemy and to please the *fuqahā'* as well as the populace by executing a man who was considered to be a destructive foe of their beliefs.[6]

A new page in the history of Jabal 'Āmil started with the death of al-Shahīd al-Awwal. The religious leadership was lost to Jizzīn, the feudal Shī'ī establishment took control in the South,[7] and the influence of some Shī'ī families grew to become a factor in the conflict with the Mamlūk princes.

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[1]Makkī, p.253.
[2]al-Āṣifī, p.137.
[3]al-Baḥrānī, p.95.
[4]Khwansārī, Vol. II, p.6.
[5]Ibn al-'Imād al-Ḥanbalī, Vol. VI, p.294.
[6]al-Shībī, Vol. II, p.141.
[7]Makkī, p.254.

Feudal Shī'ī forces remained in control for a long time, and their role continued until the conquest of Syria by the Ottomans in 923/1516.[1]

The students of al-Shahīd al-Awwal and his agents acquired greater strength after the death of their master. They were able to uphold his scholarly discipline, and its continuation was secured by Jamāl al-Dīn Aḥmad ibn al-Najjār, who collected the studies of his master al-Shahīd al-Awwal and his theories on *fiqh*.[2] Three of al-Shahīd al-Awwal's sons, Jamāl al-Dīn Ḥasan, Ḍiyā' al-Dīn Abū Qāsim 'Alī, and Shaykh Raḍī al-Dīn Muḥammad carried the torch, as well his daughter, the jurist Fāṭima, known as Bint al-Mashāyikh, who, on the suggestion of her father, was followed by other women in *fiqh* matters.[3]

The social and political atmosphere in Shī'ī areas remained distinguished by a feudal system which was autonomous, and a sectarian endeavour carried out by the Ithnā'asharī *fuqahā'* in a way that allowed them to "control the whole of cultural life".[4] A new period started, which was characterized by a vast scholarly expansion to the confines of the Biqā' valley. Some researchers suggest that the apparent decline after the death of al-Shahīd al-Awwal hid the effective and wide dissemination of a high level of scholarship.[5]

This small region was to produce within one century great and influential *fuqahā'* who would establish the pillars of the Ṣafawid state in Iran under the first Shāh Ismā'īl (905-930/1500-1524). This coincided with a unique flourishing of Jabal 'Āmil's scholars, who outnumbered, despite the area's

[1] *Idem*, p.269.
[2] al-Āṣifī, p.111.
[3] al-Amīnī, 'Abd al-Ḥusayn, *Shuhadā' al-faḍīla*, Beirut, 1986, p.91.
[4] al-Muhājir, Ja'far, *al-Hijra al-'Āmiliyya ilā Īrān fī al-'aṣr al-Ṣafawī*, Beirut, 1989, p.91.
[5] Muruwwa, p.23.

small size, those of all other Shī'ī regions in the world.[1] The *fuqahā'* were then able to fill the ideological void opened by the establishment in Iran of Shī'ism as the official *madhhab*.

The Ṣafawids were asking for a legal cover to their rule, which was opposed by the Turkish Caliphate. They used the *mujtahids* and granted them official positions in the state. Karakī scholars were sending letters to their people from Iran, asking them to join them from Karak, Ba'labakk and Jabal 'Āmil for the solidification of the Ithnā'asharī school.[2]

The fall of the Mamlūk state at the hand of the Sulṭān Salīm the Ottoman in 923/1516 provoked a profound change, which induced the *fuqahā'* to pursue purely scholarly activities. For the Ottomans manifested a strong resentment against Shī'ism as a consequence of their struggle against the Ṣafawids, and in turn forced the Shī'ī *'ulamā'* under their control to seek the protection of the Ṣafawids in Iran.

THE SCHOLARLY WORKS OF AL-SHAHĪD AL-AWWAL

The rich and varied publications of al-Shahīd al-Awwal earned him particular respect among the specialists in religious sciences. Amongst these works the most famous was the summary known as *al-Lum'a al-Dimashqiyya,* which became one of the most important sources of Ithnā'asharī *fiqh*, when two centuries later it was commented upon by Zayn al-Dīn al-'Āmilī (al-Shahīd al-Thānī) in *al-Rawḍa al-bahiyya fī sharḥ al-Lum'a al-Dimashqiyya*.[3]

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[1] al-Wardī, 'Alī, *Lamaḥāt ijtimā'iyya min tā'rīhk l-'Irāq l-ḥadīth,* Vol.II, Baghdad, 1969, p.64.

[2] Naṣrallāh, *Tārīkh Karak*, p.88.

[3] Published with original *al-Lum'a* in ten volumes, Najaf, 1976, under the editorship of Muḥammad Kalantar.

Al-Lum'a al-Dimashqiyya is characterized by a rearrangement of *fiqh* chapters as well as a renewal of legal terminology.[1] It is reported that the work was written in seven days, and that the author had access whilst writing it solely to the *Mukhtaṣar al-nāfi'*, the *fiqh* abridgement composed by al-Muḥaqqiq al-Ḥillī.[2] A comparison between the two works shows that al-Shahīd al-Awwal did follow the divisions introduced by al-Muḥaqqiq al-Ḥillī, but that he introduced several alterations. He mentioned, for instance, the rules of each category at the outset of the chapter, then elaborated on legal questions which had not been discussed before, and added sources clarifying legal recommendations (*mandūbāt*) and abominations (*makrūhāt*) for each chapter.[3]

Earlier scholars had ignored options (*khiyārāt*) and the impediments to inheritance (*mawāni' al-irth*), which al-Shahīd al-Awwal introduced and developed in separate chapters. Mistakes in the titles of the various chapters were also corrected.[4]

In the *Lum'a* also, the style was improved, long sentences shortened, alliteration was done away with, and stylish embellishments, which were current at the time but which weakened the strength of the terminology, were abandoned. Thus *al-Lum'a al-Dimashqiyya* was set to acquire a character that stands it in good stead to this day in Ithnā'asharī centres of learning.[5]

Al-Lum'a was written at the request of the Sulṭān 'Alī ibn al-Mu'ayyad (d. 795/1392), who headed the Shī'ī Sarbadāriyya government, a movement which had occupied Khurāsān after the death of Muḥammad Khudābanda, and then fused with Tatar rule[6] to offer the Sarbadāriyya constitutional

[1] al-Āṣifī, p.102.
[2] al-Khwansārī, Vol. VII, p.10.
[3] al-Āṣifī, p.102-3.
[4] al-Faqīh, *Jabal 'Āmil fī l-Tārīkh*, p.110.
[5] al-Āṣifī, p.102.
[6] al-Āṣifī, p.132.

legitimacy.[1] An old friendship between Ibn al-Mu'ayyad and al-Shahīd al-Awwal had united them together since al-Shahīd's travels in Iraq and Syria.[2]

Al-Shahīd al-Awwal also wrote *al-Qawā'id wa-l-fawā'id,* which is considered the first *muṣannaf* of the Twelvers. The *uṣūlī* and *fiqhī* rules contained in it offer the necessary tools of induction for a jurist.[3] The book comprises about 330 rules, in addition to a hundred addenda (*fawā'id*) as well as comments and derivations that address most legal questions in the field. The author would generally enunciate the rule (*qā'ida* or *fā'ida*), and then would explain what consequences derive from it, or what exceptions come under it. However, he did not restrict himself to developing the opinion of the Imāmīs, but undertook comparative work involving non-Imāmī jurists. He also singled out original views held by one or other Imāmī jurist. Al-Shahīd al-Awwal's vast scholarship was not restricted to providing the solutions to the problems, as he often developed arguments and evidence surrounding the question and the solution he offers to it.

In his book, al-Shahīd al-Awwal makes indiscriminate use of the rules of *uṣūl* and *'Arabiyya* in his method. This was rectified by his student al-Miqdād al-Sayyurī al-Ḥillī, who elaborated the separate rules in his *Naḍd al qawā'id al-fiqhiyya.*[4] The actual separation of the rules, including a full indexing of main rules and derivative questions, was carried out by al-Shahīd al-Thānī in his *Tamhīd al-qawā'id al-uṣūliyya wa-l-'Arabiyya.*

[1]Makkī, p.254.

[2]al-Baḥrānī, p.145.

[3]The introduction by 'Abd al Hādī al-Ḥakīm to *al-Qawā'id wa-l-fawā'id* by al-Shahīd al-Awwal, Vol. I, p.3.

[4]Published in 1983 under the editorship of 'Abd al-Laṭīf al-Kuhkmarī.

Al-MUḤAQQIQ AL-KARAKĪ

The first important *faqīh* whose name was associated with the Ṣafawid state was Shaykh Nūr al-Dīn ʻAlī ibn al-Ḥusayn ibn ʻAbd al-ʻAlī al-Karakī,[1] known as al-Muḥaqqiq al-Thānī,[2] Muḥaqqiq being a learned title only granted previously to Ja'far ibn al-Ḥasan, the famous al-Muḥaqqiq al-Ḥillī (d. 676/1277).

Nūr al-Dīn al-Karakī was born in Karak and studied under the scholars there. Karak was then a lively and rich city, and his studies coincided with the time when a great Iraqi scholar, Shaykh ʻAlī ibn Hilāl al-Jazā'irī (d. 937/1530) had moved to live in it. This allowed Karakī to learn from him rational sciences such as logic and *uṣūl,* as well as *fiqh*, and he mentioned his teacher in one of his works as "a person he had stayed with a long time, the most renowned and best of my shaykhs".[3] Karakī then travelled to non-Shīʻī centres such as Damascus, Jerusalem and Cairo, and he studied with the two scholars Abu Yaḥyā Zakariyā al-Anṣārī (d. 926/1519) and Kamāl al-Dīn Abū ʻAbdallāh Ibrāhīm al-Qudsī (d. 923/1517).

al-Karakī went on to Iraq in 909/1503, and stayed in the city of al-Najaf.[4] Despite our scant information about him during that period one can gather that the city had then retained some scholarly importance.

Inspired by the military successes that Shāh Ismāʻīl had achieved over the Turkmen and the Uzbek tribes, and his wish to bring al-Karakī over "by

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[1]Karak is a village in the Biqāʻ between Zaḥla and Baʻlabekk, with a tomb ascribed to Nūḥ. It is called Karak Nūḥ to distinguish it from the Karak which lies near the Balqā' in Jordan;see *A'yān al- Shīʻa*, Vol. V, p.88.

[2]*Lu'lu'at al-Baḥrayn,* p.151.

[3]al-Nūrī, *al-Mustadrak,* Vol. III, p.434; al-Khwansārī, Vol. IV, p.372.

[4]al-Majlisī, Vol. 108, p.69.

offering money for students",[1] al-Karakī emigrated from al-Najaf to Herāt in 916/1510 to bolster the bases of the young nation.[2]

Ismā'īl took control of Iraq in 914/1508, ending the rule of the Āq Quyunlu Turkmen family, and replaced that rule with Shī'ī symbols and control, annexing the region to the Ṣafawid state. There were some Sunnī Uzbek tribes left in control of the north-eastern parts of Persia.[3] The rebel Sunnī Uzbek leader Muḥammad al-Shaybānī was able to occupy Herāt in 913/1507, and to lay hands on Khurāsån. From being a territorial dispute, his conflict with Shāh Ismā'īl soon turned into an ideological one.[4]

al-Karakī entered Herāt to bless the victory of Shāh Ismā'īl over the Uzbeks. al-Karakī was trying to express an open mind, which might encourage a dialogue between the parties, and to dismiss the logic of violence and forced conversion.

But Ismā'īl had entered Herāt in 916/1510 by force, and he eliminated his opponents, including a group of Sunnī *'ulamā'*. One of them was Shaykh al-Islām Aḥmad Ibn Yaḥyā Ibn Sa'd al-Dīn al-Taftazānī. al-Karakī regretted the killing of the Sunnī *'ulamā's* and he informed the Shāh that "Had he [al-Taftazānī] not been killed, it would have been possible to debate with and refute his viewpoints and persuade him to believe in the validity and correctness of the Imāmī *madhhab,* and to expand through him into Mesopotamia and Khurāsān".[5] This repugnance of al-Karakī against killing had been ingrained in him since his contact with the Sunnī *'ulamā'* who

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[1]*Idem,* p.28.

[2]Shāh Ismā'īl succeded to the throne when he was fourteen years old. The seven Turkish tribes of Qizilbāsh were loyal to his grandfather Shaykh Isḥāq (d. 735/1334) who lived in Ardabīl and was the head of a Ṣūfī *ṭarīqa* which came to be known later as *al-ṭarīqa al-Ṣafawiyya*. These tribes were the strong backbone of Shāh Ismā'īl, see al-Nūrī, p.432.

[3]Nawār, Vol. 1, p.33.

[4]*Idem*, p.34.

[5]al-Nūrī, Vol. III, p.432; al-Khwansārī, Vol. I, p.342.

taught him in Damascus and Cairo. It is reported that he used Sunnī compilations in *ḥadīth*, "and cited the *ḥadīth* of both the Sunnīs and the Shī'īs".[1]

al-Karakī was to receive total support from Ismā'īl, who supplied him with generous grants of money.[2] The aim of his efforts was to establish the constitutional *shar'ī* foundations to the Ṣafawid State.[3]

al-Karakī used the occasion of statę support to enlist *'ulamā'* for political and social work. He appointed in each city and village an *'ālim* who would teach religion to the population, and personally supervised them. He himself undertook to teach the state dignitaries such as the Amīr Ja'far al-Naysābūrī, the Shāh's *wazīr*, and wrote for him a *fiqh* book called *al-Ja'fariyya*.[4]

The activities of al-Karakī bring to mind the episode of Naṣīr al-Dīn al-Ṭūsī (d. 672/1273) in both its scholarly and political components: "No one succeeded after Khwāja Naṣīr al-Dīn al-Ṭūsī like Shaykh 'Alī al-Karakī in enhancing the Ithnā'asharī school".[5] Considering the vast powers enjoyed by al-Karakī, it is not surprising to see him, at the head of the judiciary, prohibiting rules that were in his view opposed to the *Shar'*, and strengthening the ways of devotion in the establishment of religious duties.[6]

Al-Karakī had enjoyed a major position in Iranian society that enabled him to spread Ithnā'asharī doctrine. He left for Iraq without any definite reason nine years after the succession of Shāh Ismā'īl to the throne.

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[1]al-Tabrīzī, Mulla 'Abdallah Afandī, *Riyāḍ al-'ulamā'*, Vol. III, Qumm, 1981, p.448.
[2]al-Khwansārī, Vol. IV, p.363.
[3]*Tārīkh Karak*, p.89.
[4]*al-Ja'fariyya* published in *Rasā'il al-Muḥaqqiq al-Karakī*, Vol. I, Qumm, 1989, pp.77-136, edited by Zuhayr al-Ḥassūn.
[5]al-Khwansārī, Vol.IV, p.363.
[6]*Idem*, p. 364.

Iraq was then under Ottoman rule. After its occupation by Ismā'īl in 914/1508, control reverted to the Ottomans who, under the leadership of Sulṭān Salīm I, inflicted defeat on the Iranians at the battle of Jaldīrān in 920/1514.[1] The governor of Baghdad had consequently pledged allegiance to the Ottoman ruler, and Ismā'īl was unable to play any serious role in Iraq until his death in 930/1524.[2]

Al-Karakī spent six years in al-Najaf.[3] Then Shāh Ṭahmāsp (930-984/1524-1576), the son of Ismā'īl, was able to draw him back to Iran, and to establish him as Shaykh al-Islām. He also declared al-Karakī to be the holder of absolute *wilāya* (*wilāya muṭlaqa*) and the ruler himself to be his agent (*wakīl)* and deputy (*nā'ib*) in the political affairs of the country.[4] He also wrote to this effect of his *de facto* supremacy, "that the person who is dismissed by the Shaykh (al-Karakī) is not to be reappointed, and the one who is appointed by him cannot be dismissed." He also granted him the title of Deputy of the Imām (*Na'ib al-Imām*),[5] an important indicator of his wish to see the *mujtahids* in a central position in the State. Ṭahmāsp was also working to establish control, once more, over Iraq, and the consideration shown to the *mujtahids* was also meant to weaken the claim of the Ottomans to the leadership, through the Caliphate, of the Muslim world, and their claim to be its sole protectors.[6]

After al-Karakī returned to Iran he resided in Iṣfahān.[7] He began teaching and many disciples graduated from his teaching circle. His spiritual activities had turned Iṣfahān into the centre of Shī'ism. Because of this, it had attracted

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[1]Nawār, p.31.
[2]*Ibid.*
[3]al-Muhājir, p.125.
[4]al-Nūrī, Vol.III, p.432.
[5]al-Baḥrānī, *Lu'lu'at,* p.272.
[6]al-Muhājir, p.126.
[7]Muṭahharī, *al-Islām wa-Īrān,* p.338.

great numbers of scholars who used to live in Jabal 'Āmil. They spared no effort to preach the Shī'ī doctrine.[1]

al-Karakī also profited from the powers granted by the Shāh, and he instructed the governors of the *wilāyas* on dealing with ordinary common people, the implementation of law, and the appointment of religious scholars who would be in accordance with his views.[2] Furthermore, he proceeded to exercise his power in dismissing some *amīrs*, such as Manṣūr al-Dashtakī (d.946/1539), and appointed instead his student Muḥammad al-Iṣfahānī (d. 952/1545). He then dismissed him and appointed in his place Amīr Asadallāh al-Shushtarī (d. 963/1555).[3]

SHĪ'Ī *'ULAMĀ'* IN THE OTTOMAN AND ṢAFAWID STATES

The consequences for the scholars of Jabal 'Āmil in Iran were complicated. They fell prey to the conflict between the Ṣafawid and Ottoman empires, with the Ottomans using the Sunnīs against the Ṣafawids, and the Ṣafawids putting the Shī'ī scholars forward.

Both imperial powers used the presence of *fuqahā'* to further their political interests. The Ottoman Sulṭān exercised unlimited powers, even though his acts would in theory be subject to the limitations of the *Sharī'a*. Religious leaders would not hesitate to issue the required condoning or legitimising *fatwā* for the Sulṭān. When Sulṭān Salīm I decided to wage war on the Ṣafawid Shāh Ismā'īl, and ordered the killing of all the Shī'īs in the Ottoman Empire, he rested his decisions on *fatwās* by *'ulamā'* considering those Shī'īs

[1] *Tārīkh Karak,* p.88.
[2] al-Khwansārī, Vol. IV, p.361.
[3] al-Khurāsānī, Hāshim, *Aḥsan al-tawārīkh,* Tehran, 1963, p.244.

as apostates. Some historians put the number of Shī'īs killed in Anatolia at between 45,000 and 70,000.[1]

The Ottomans created an official network of religious scholars arranged in a hierarchy in order to strangle the free religious entities. The Ottoman rulers also opposed *ijtihād*, even within their own *madhhab* and prosecuted all *'ulamā'* who refused to follow the official line.[2]

The Ṣafawid state was not much different from the Ottoman state. The Shāhs derived their power from the *'ulamā'* who were associated with the state to endow their rule with a sort of legitimacy.

The Ithnā'asharī *fuqahā'* were thus faced with two problems: the first was to uphold the independence of the institution of *ijtihād* vis-à-vis the Ottoman religious official institutions. The second was the difficulty of accommodating religious and temporal functions within the Shī'ī Ṣafawid state.

The *fuqahā'* paid a high price for their independence, and many *'ulamā'*, most notable of whom was al-Shahīd al-Thānī, lost their lives in the process.

The second problem was overcome less dramatically, through the bolstering of religious power by the state from the time of Shaykh al-Karakī. The activities of the *'ulamā'* extended to cultural and architectural life. They opened schools, organized the *kharāj* and the judiciary, established the true direction of the *qibla* in some Persian regions, built mosques, minarets and domes, and wrote books in defence of the faith.[3]

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[1]al-Amīn, *A'yān,* Vol. XI, p.211.

[2]Kawtharānī, Wajīh, "al-'Aṣr al-'Uthmānī", *al-Thaqāfa al-Jadīda,* No. 5, Beirut, 1987, p.112.

[3]Naṣrallāh, p.88.

The emigration of the *'ulamā'* of Jabal 'Āmil to Iran was the result of the widespread persecution which was carried out in the Ottoman empire, and Jabal 'Āmil had been particularly targeted by Turkish persecution. Iran became the only haven for the Shī'ī *'ulamā'*.[1]

The 'Āmilī emigration seems to have harmed many Shī'īs amongst Syrian Arabs. It destroyed them in Aleppo, weakened them in Damascus, and shook them in Lebanon. Some historians have pointed out that the Shī'īs who lived in Mecca were also touched, and they wrote to the *'ulamā'* of Iṣfahān: "You harm their Imāms [the Ottomans'] in Iṣfahān, and we pay the price in the *Ḥaramayn* [Mecca and Medina]".[2]

THE STRUGGLE AGAINST AL-KARAKĪ

The support which al-Karakī enjoyed from Shāh Ṭahmāsp increased his religious influence, and this had led to strong protests from great numbers of *amīrs* and others who had a vested interest. This in its turn resulted in his state power being restricted or acceptable reasons being found to send him to a place where he could safely exercise his power without disturbance to the authorities.

The non-official opponents consisted of those religious leaders who disagreed with him in dealing with the Ṣafawid state. Shaykh Ibrāhīm al-Qaṭīfī (was alive in 951/1544), who disagreed with him, belonged to this group. He tried to refute his points of view in matters of religion, and criticized some of what he had written.[3]

[1] al-'Āmilī, *Amal al-Āmil,* Vol. I, p.27.
[2] al-Khwansārī, Vol. IV, p.362.
[3] *Idem*, p.66.

al-Qaṭīfī opposed al-Karakī by refuting his views on religious matters such as the obligation to observe Friday prayer during the *Ghayba*,[1] or regarding secondary matters such as the prohibition of prostration upon baked mud (*al-sujūd 'alā al-turba al-mashwiya bi-l-nār*).[2] These and other issues of *fiqh* were the object of long discussions by al-Qaṭīfī, a phenomenon which surprised or dismayed many Shī'ī writers since they regarded al-Qaṭīfī's arguments as pedantic and unhelpful.[3]

al-Qaṭīfī's scholarship was deficient, and he was ready to use foul language to attack his opponents. Of al-Karakī, he wrote that "a *jihād* against such a person by way of words is more important than a *jihād* by the sword".[4] Clearly, the important position within the state system accorded to al-Karakī harmed al-Qaṭīfī.[5] When Shāh Ṭahmāsp tried to assuage him by showering him with presents, al-Qaṭīfī sent the presents back as a manifestation of his independence, and as a means of exposing the contact between al-Karakī as man of religion and the state. al-Karakī wrote to him on that occasion: "You are wrong to refuse the Shāh's present. For Imām al-Ḥasan ibn 'Alī himself never rejected Mu'āwiya's presents, and you are not better than 'Alī, nor is the Shāh worse than Mu'āwiya".[6]

The large anti-Karakī front included opposition scholars, judges and a group of *amīrs* who aimed at defeating al-Karakī. They coalesced behind Amīr Ni'mat Allāh al-Ḥillī (d. 940/1533-4), a former student of al-Karakī, who turned against him and tried to humiliate him in the presence of Shāh Ṭahmāsp on the issue of the Friday prayer in the *Ghayba*.[7] They then set

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[1] al-Khwansārī, p.369.
[2] See al-Karakī, *"Risāla fī l-sujūd 'alā al-turba al-mashwiya"*, *Rasā'il al-Muḥaqqiq al-Karakī*, Vol. II, Qumm, 1989, pp.91-108.
[3] al-Baḥrānī, p.160; al-Amīn, *A'yān*, Vol. V, p.211.
[4] *Ibid.*
[5] al-Jābirī, p.261.
[6] al-Khwansārī, Vol. I, p.163.
[7] al-Khwansārī, Vol. IV, p.371.

about getting rid of him with the help of Amīr Maḥmūd Beik Mihrdār, who was killed in obscure circumstances before the planned murder.[1] Ṭahmāsp tried to defuse the tension by banning some figures like Ni'mat Allāh al-Ḥillī, who was exiled to Baghdad. The opposition to al-Karakī, however, grew and began to spread throughout the public.[2] Ṭahmāsp, who was worrying about the flaring up of riots, sent al-Karakī away to Iraq, which had been under Ṣafawid control since Ṭahmāsp regained control of it in 937/1530,[3] by issuing a decree "allowing the chief *mujtahid* to go to Arab Iraq".[4]

In his treatise *Qāṭi'at al-lujāj fī taḥqīq ḥall al-kharāj,*[5] al-Karakī alluded to his exile in Iraq. He did not mention details, but he wrote in the introduction a clear statement on the new limitations on his powers: "We had been forced to stay in Iraq, and were prevented from extending our writ for reasons that will not be mentioned here. There was no choice but to make the best of exile".[6]

Ṭahmāsp was no doubt trying to balance the various interests in the state. He silenced the *amīrs* by sending al-Karakī away, but he also used him as a staying power in Iraq. One writer suggests that the Shāh, by exiling al-Karakī, was also preparing for him "a triumphal return" to Iran, and the Iraqi sojourn "was the best way to silence opposition voices."[7] As a matter of fact, exile resulted in the death of al-Karakī, "who was poisoned by some state functionaries"[8] in 940/1533-4, a year after the exile decree was issued. The circumstances of his death remained shrouded in secrecy. It was one of his

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[1] *Ibid.*

[2] al-Nūrī, *al-Mustadrak,* Vol. III, p.432.

[3] Nawwār, *Tārīkh al-shu'ūb al-islāmiyya,* Vol. I, p.48.

[4] al-Nūrī, Vol. III, p.432.

[5] *Qāṭi'at al-lujāj fī taḥqīq ḥall al-kharāj* published in *Rasā'il al-Muḥaqqiq al-Karakī,* Vol. I, pp.237-286.

[6] al-Amīn, *A'yān,* Vol. V, p.214.

[7] al-Muhājir, p.129.

[8] al-Khwansārī, Vol. IV, p.372.

contemporaries, Shaykh Ḥusayn ibn ʻAbd al-Ṣamad al-ʻĀmilī (918-984/1512-1576) who removed the veil from his violent death, by "mentioning his attaining martyrdom",[1] but the episode remains nebulous.

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al-Karakī was aiming to correct the deviations of the Ṣafawid state, and to strengthen it on the basis of Islamic laws, by extending the reach of the *faqīh's* arm and lending credence to the line which would be adopted by the *fuqahā'* after him. His reformist activities were based, on the political level, on his opposition to any doctrinal deviation on the part of the state. On the popular level, he tried "to develop the interest of the people in learning about religion and about the rites of Islam, and to promote forms of religious commitment",[2] in addition to extending the Friday prayer, a natural support of the *faqīh* in everyday life, to all the cities in Persia.

But the apparatus of Ṣafawid rule also involved a different dimension, where the *faqīh* was used for narrow political gains. Dissensions were inevitable between the religious establishment represented by the *fuqahā'*, and the political establishment represented by the *amīrs* and state administrators.

al-Karakī did not want to transform his relationship with the Sulṭān into a purely "justificatory" one. And even though that was not expressly stated, his rejection of direct confrontation resulted from the lack of alternative. The institution of the *fuqahā'* remained independent in its opinion and action, but it was unable to make decisions in straightforward political affairs. The powers of the *faqīh* were limited to his *sharʻī* competence.

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[1] al-Tabrīzī, *Ryaḍ al-ʻulamā'*, Vol.III, p.442.
[2] *Aḥsan al-tawārīkh*, p.190.

After the death of al-Karakī, his followers, both those who were already inside Iran and those who had migrated to Iran,were disliked by the Ṣafawid state. When Shāh Ismā'īl II succeeded his father Shāh Ṭahmāsp in 984/1576, he changed his attitude toward the Shī'ī doctrine because he believed it was inadequate. Then, the position of Shaykh al-Islām was still in the hands of an *'ālim* from Karak, al-Sayyid Ḥusayn al-Mujtahid (d. 1001/1592), who was a strong opponent of the Shāh. The Shāh tried to have him assassinated,[1] but he seems to have been more powerful than was expected. It has been claimed that he employed someone who actually managed to poison the Shāh.[2] Even if this is not true, it is an indication of the power of the *fuqahā'*.

When Shāh 'Abbās (996-1038/1587-1628), succeeded to the throne, the political situation became very quiet. He guaranteed much religious and teaching freedom but restricted the involvement of *'ulamā'* in the state affairs. Because of this, the Shi'ī scholarly centre flourished and good progress was made in philosophical and theological studies.[3]

THE THREE ITHNĀ'ASHARĪ CENTRES

In addition to the Shī'ī centre in Iran (Iṣfahān), there were two other important centres outside the country, Jabal 'Āmil and al-Najaf which were under Ottoman dominance.

After the persecution of the Shī'īs under the Mamlūks, and the assassination of al-Shahīd al-Awwal in 786/1384, the Mamlūks relaxed their rule in Bilād al-Shām. The last part of their reign was one of relative calm which benefited the scholarly centre of Jabal 'Āmil.

[1]al-Khwansārī, Vol. II, p.322.
[2]*Idem*, p.321.
[3]al-Wardī, Vol. I, p.68.

But when the Ottomans took control of Bilād al-Shām in 923/ 1516, and as the overthrow of the Mamlūks put an end to the cultural freedom enjoyed by the Shī'īs during the last years of Mamlūk rule, Istanbul took an antagonistic stand against Shī'ism as a result of its political and military conflict with the Ṣafawids.[1]

After the killing by the Ottomans of the greatest *faqīh* Shaykh Zayn al-Dīn ibn 'Alī (known as the Second Martyr) in 965/1557, the 'Āmilīs realized the danger hovering over them. The result was a vast emigration to Iran.

After a short Ṣafawid interlude (937/1530), Iraq was restored to Ottoman control once more (941/1534).[2] From then on, the Najaf *fuqahā'* tried to remain totally independent by abstaining from interfering in political matters or supporting state institutions. Thus, one of the great *fuqahā'*, Shaykh Aḥmad al-Ardabīlī (d. 993/1584), did not respond to the invitations of the Ṣafawids to visit Iran, despite their insistence.[3]

Furthermore, al-Ardabīlī also attacked the basis of Ṣafawid rule, trying to deprive it of legitimacy and alluding to its tyrannical political behaviour.[4] The attempts of the Ṣafawids to reestablish their legitimacy were to no avail. al-Ardabīlī was able to produce a number of 'Āmilīs who had emigrated to Iran, and they were the ones who protected their freedom and independence within Ṣafawid rule. The two most important such students were Shaykh Ḥasan ibn al-Shahīd al-Thānī (d. 1011/1602-3), and his sister's son Shaykh Muḥammad ibn 'Alī Nūr al-Dīn al-'Āmilī al-Jubā'ī (946-1009/1539-1600), who went so far in their rejection of Ṣafawid rule as to abstain from visiting the holy places in Iran because of the necessary audience with Shāh 'Abbās those visits

[1]al-Muhājir, Ja'far, "Bahā' al-Dīn al-'Āmilī", *al-Thaqāfah al-Islāmiyya*, No.16, Beirut, 1988, p.147.
[2]Nawwār, *Tarīkh al-Sh'ūb al-Islāmiyya,* Vol. I, p.46.
[3]Muṭahharī, p.95.
[4]al-Amīn, *A'yān,* Vol. V, p.95.

would have entailed.[1] The main reason for their aloofness was their fear of Ottoman reaction against Jabal 'Āmil.

THE INTELLECTUAL ASPECTS OF THE SHĪ'Ī ITHNĀ'ASHARĪ SCHOLARLY CENTRES

The three Ithnā'asharī centres in al-Najaf, Jabal 'Āmil and Iṣfahān[2] produced extensive works on *fiqh*, *uṣūl* and *ḥadīth* which later constituted solid references for the *'ulamā'* of the sect.

Such a voluminous production is apparent in the works of al-Shahīd al-Thānī and Ḥasan al-'Āmilī, on the one hand, and al-Karakī, al-Bahā'ī (953-1030/1546-1621) and al-Majlisī (1037-1110/1627-1698) on the other hand.

al-Shahīd al-Thānī was considered to be the head of a school which remained neutral in the Ṣafawid-Ottoman conflict. He was not influenced by the political publicity of the Ṣafawids which tried to attract prominent Ithnā'ashari personalities and win their support for their official policy.

He was brought up within a group whose students were used to emigration for study under the supervision of non-Shī'ī teachers. Al-Shahīd al-Thānī became one of those open-minded students. In 943/1536 in Cairo he studied *ḥadīth* under Shāfi'ī and Ḥanbalī *fuqahā'* and Arabic grammar under Mālikī *fuqahā'*.[3]

He also travelled in 952/1545 to Istanbul, the capital of the Ottoman Califate, in the company of his colleague and student Shaykh Ḥusayn ibn 'Abd al-Ṣamad al-Ḥārithī (d. 984/1576) in order to establish good relations

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[1] al-Amīn, Vol. V, p.95; Muṭaharī, p.95.
[2] The principal centre of Shī'ī scholarship was transferred to Iṣfāhān during the reign of 'Abbās I. About the importance of this centre see Momen, p.11.
[3] al-'Āmilī, *Amal al-Āmil,* Vol.I, p.89.

with the *fuqahā'* of the Ottoman court and to improve the image they had of the independent Ithnā'asharī *fuqahā'*.

Al-Shahīd al-Thānī was successful in achieving his purpose in visiting Istanbul. He was entrusted with the teaching of *fiqh* to the five sects in one of the schools of the city of Ba'labakk in Bilād al-Shām, whilst his student al-Ḥārithī was asked to teach in one of the schools of Baghdad.[1] However, it is also possible to argue that the Ottoman authorities succeeded in their turn in limiting the activities of these two scholars to official schools under their control when they had to expound *fiqh* in general terms.

Al-Shahīd al-Thānī wrote extremely important works on the expounding of *ḥadīth*[2] and on the organization of teaching along educational and psychological principles in a way that would help students in achieving their academic goals.[3] His most important book, a masterwork in Ithnā'asharī *fiqh*, was however an interpretation of a *fiqh* summary written by al-Shahīd al-Awwal a few years before his martyrdom in 786/1383. This interpretation, called *al-Rawḍa al-bahiyya fī sharḥ al-Lum'a-l-Dimashqiyya*, was widely used as a textbook in most of the Ithnā'asharī centres.

In this book, al-Shahīd al-Thānī intermingled the original text and his own interpretation in such a way that it became impossible for the reader to distinguish between them. He is hence looked at as the first to have introduced comparative *mazjī* (mixed) interpretation in Ithnā'asharī books.[4] It is also remarkable that, in dealing with the theories of *fiqh*, he was able to use a most limpid, clear and systematic style.

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[1]For the autobiography of al-Shahīd al-Thānī, see *Kashf al-rība 'an aḥkām al-ghība*, Qumm, 1982, p.25.

[2]*Amal al-Āmil*, Vol. I, p.86.

[3]See al-Shahīd al-Thānī, *Munyat al-murīd fī Ādāb al-Mufīd wa-l-Mustafīd*, Beirut, 1982.

[4]al-Faqīh, *Jabal 'Āmil fi l-Tārīkh*, p.95.

A new movement was emerging in Ithnā'asharī *fiqh* which attempted to compromise with the religious institutions put forward by the Ottoman power for the organisation of education, *iftā'* and justice. This movement established a comprehensive foundation which represented a practical guide on judgements relating to worship (*ahkām al-'ibādāt*) and on transactions (*mu'āmalāt*) in a state which only recognised the four sects and restricted positions of high rank in government to the Ḥanafīs. The movement was seeking to establish its own *fiqh* as one of the five *madhhabs* whose followers lived in the Ottoman Sulṭānate.[1]

His claims of independence and the fact that he stayed away from political circles were not enough to protect al-Shahīd al-Thānī. He was assassinated under obscure circumstances whilst heading for Constantinople to meet the Ottoman Sulṭān who, it is said, had summoned him in order to investigate a sectarian calumny.[2]

His murder in 965/1557 was a great shock for the *fuqahā'* of Jabal 'Āmil, who started to emigrate in great numbers to Iran and to other countries in order to escape the violence threatening them.

Scholarly production continued with Shaykh Ḥasan ibn al-Shahīd al-Thānī (d.1011/1602-3), who wrote important works giving a new spirit to the *ijtihād* school. In this respect, two of his books are of particular significance.

The first book, *Ma'ālim al-dīn wa-malādh al-mujtahidīn*, included a wide number of *uṣūl* opinions and theories, presented in a vigorous style, and it became as such the predominant textbook, replacing the works of al-'Allāma al-Ḥillī, which had been in use until then.[3]

[1]Kawtharānī, *al-Faqīh wa-l-Sulṭān*, p.93.
[2]*Amal al-Āmil*, Vol. I, p.91.
[3]Qā'inī, p.148; Faqīh, p.100.

In the second book, *Muntaqā al-jumān fī l-aḥādīth al-ṣiḥāḥ wa-l-ḥisān*,[1] he restricted himself to the gathering of *ṣaḥīḥ* and *ḥasan hadīths*. His purpose was to remove from the Shī'ite *ḥadīth* collections, through the comprehensive study of every single *ḥadīth,* those *ḥadīth* which were unreliable. This contribution was invaluable for Ithnā'asharī *fiqh,* although the book remained incomplete, as it only dealt with *ḥadīth* connected with worship.[2]

His attempt is in many respects similar to that of al-Murtaḍā, who had earlier rejected *akhbār al-āḥād* (solitary *ḥadīth)*, only retaining those with multiple *isnāds (mutawātir)*. Despite his cautious attitudes he was not immune to criticism and came under the accusation of trying to reject the majority of Ithnā'asharī *akhbār.*[3]

Other works on *fiqh* were produced during this period by *fuqahā'* such as al-Karakī. Despite the scholars' support for Ṣafawid politics and their "veneration of the Ṣafawid Sulṭāns and praise for the Ṣafawid state",[4] their works did not deal with the legitimacy of this state. They rather considered the state as a project that could eventually develop into an Ithnā'asharī ideological programme, paving the way for the establishment of an Ithnā'asharī state supervised by the *faqīhs*.

During the days of Khudābanda, al-'Allāma al-Ḥillī had written a *fiqh* book, *Qawā'id al-aḥkām*, which was to constitute a guide for the religious courts (*al-maḥākim al-shar'iyya*) of the Mongol state. Al-Karakī decided to write a wide commentary on this book, *Jāmi' al-maqāṣid fī sharḥ al-Qawā'id*. This interpretation, with its *fiqh* deductions that answered the requirements of the new state, is considered as one of the most important ever written on *qawā'id al-aḥkām*. Al-Karakī's *fiqh* had become "a ring in the

[1]Published in four volumes (Qumm, 1984), with notes by 'Alī Akbar Ghaffārī.
[2]al-Khwansārī, Vol. II, p.300.
[3]*Ibid.*
[4]*Jāmi' al-maqāṣid*, Beirut, 1988, Vol. I, (Karakī's introduction).

chain of the development of Ithnā'asharī *fiqh*"[1] which started with the Ḥilla School and ended with the Karbalā' School.

This commentary was written during al-Karakī's stay in the city of al-Najaf in Iraq following his departure from Iran during the rule of Shāh Ismā'īl I. In his introduction he states that he was setting a system by which the state ought to abide, also adding: "Since this book is one which God inspired me to write in the shade of my master *Amīr al-Mu'minīn* (i.e. 'Alī ibn Abī Ṭālib) under the rule of the Ṣafawid state, I intend it to be a gift which will alleviate some of my debt to them".[2]

Al-Karakī also dealt, in independent sections, with novel *fiqh* matters, such as the necessity of Friday prayer during the *Ghayba* in the presence of a *mujtahid* fulfilling the *ijtihād* requirements and the limits of choice for the *faqīh* (*ḥudūd ikhtiyārāt al-faqīh)*, and certain aspects of *kharāj*.[3]

AL-SHAYKH AL-BAHĀ'Ī

Muḥammad ibn Ḥusayn ibn 'Abd al-Ṣamad al-Ḥārithī al-'Āmilī, known as al-Shaykh al-Bahā'ī (d. 1030/1621), did not restrict his studies to *fiqh* only but extended them to include construction and architecture. He had in fact been *Shaykh al-Islām,* which was an official post.

Al-Bahā'ī lived at the time of Shāh Ṭahmāsp. His father, Ḥusayn ibn 'Abd al-Ṣamad, had arrived in Iran in 960/1552, five years before his teacher al-Shahīd al-Thānī was assassinated by the Ottomans.[4] He was respected by

[1] The introduction by Jawād Shahrastānī to *Jāmi' al-maqāṣid* by Karakī, Vol. I, p.24.
[2] al-Karakī, *Jāmi' al-maqāṣid,* Vol. I, p.67.
[3] al-Karakī, Vol. II, p.185.
[4] Ja'far al-Muhājir says that Ḥusayn ibn 'Abd al-Ṣamad, the first jurist, immigrated to Iran after the assassination of Shahīd al-Thānī. al-Baḥrānī mention that al-Bahā'ī was born in 953/1546, and he was seven years old when his father migrated to Iran. From this we conclude that the time of his immigration will be in the year 960/1552;see al-Baḥrānī, *Lu'lu'at al-Baḥrayn,* p.26; al-Muḥājir, p.149.

Ṭahmāsp, who appointed him as Shaykh al-Islām in the city of Herāt. But this was exile for him, after he had held a similar position in Qazwīn and Mashhad. Al-Muhājir suggests that Shāh Ṭahmāsp feared the resurgence of al-Karakī's influence in Iran at the hands of Ḥusayn ibn 'Abd al-Ṣamad. He ordered the transfer of Ḥusayn ibn 'Abd al-Ṣamad from Mashhad to Herāt in 975/1567.[1]

After occupying the position of Shaykh al-Islām for many years, Ḥusayn ibn 'Abd al-Ṣamad came to his senses and decided to leave Iran using the pretext of the Pilgrimage to avoid suspicion. Ṭahmāsp forbad his son to accompany him.[2] The Shāh probably found in al-Bahā'ī's presence in Iran a guarantee that Ḥusayn ibn 'Abd al-Ṣamad would not provoke any political scandal against him. Ḥusayn ibn 'Abd al-Ṣamad remained in Baḥrayn until his death in 984/1576.

The reason behind such a move might have been that the state intended to assign dishonourable tasks and duties to the *fuqahā'* in order to undermine them. This ended with Shaykh Ḥusayn ibn 'Abd al-Ṣamad being the first *faqīh* of the Imāmiyya to reveal the murder in 940/1533 of al-Karakī by Ṣafawid *amīrs* in obscure conditions whilst he was in exile in al-Najaf.[3]

Ḥusayn ibn 'Abd al-Ṣamad was reluctant to see his son al-Bahā'ī remain in Iran and he pressed him to find another place to live: "If you care about your life on earth, head for India; if you care for eternity, join me in Baḥrayn; if you want neither one nor the other, stay in Persia".[4] It is not clear whether in undertaking the pilgrimage he had in mind, by taking his son al-Bahā'ī away from Iran, to attack the Ṣafawid power, perhaps by disclosing a document involving scandals, but circumstances did not allow al-Bahā'ī to

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[1]al-Muḥājir, p.149; al-Baḥrānī, *Lu'lu'at al-Baḥrayn*, p.25.
[2]al-Khawansārī, Vol. II, p.340.
[3]al-Amīnī,'Abd al-Ḥusayn, *Shuhadā' al-faḍīla*, Beirut, 1983, p.121.
[4]al-Khwansārī, Vol. VII, p.10.

achieve his father's wish. He kept the position of Shaykh al-Islām until the death of Ṭahmāsp in 984/1576. In the wake of the political conflict that followed Ṭahmāsp's death, he left Iran and travelled secretly within the Islamic world. During his journey, he met a number of *'ulamā'* from different sects in Egypt, Jerusalem, Damascus and the Ḥijāz. He wrote a diary of his trip which he called *al-Kashkūl* (beggar's bag). This voyage contributed to his fame, and prominent scholars who did not belong to his sect, became impressed with his scholarship and personality.[1]

al-Bahā'ī went back to Iran when political stability returned under the rule of Shāh 'Abbās I, and he became involved in wide scholarly activities in various fields. He wrote a book on *fiqh* which he named after the Shāh, *Jāmi' 'Abbāsī*,[2] in an attempt to gain the Shāh's support in making it the official textbook in use within the state system. Such an initiative had already been taken in the past by his father Ḥusayn ibn 'Abd al-Ṣamad who wrote a book on *fiqh* and called it *al-'Iqd al-Ṭahmāspī* with reference to Shāh Ṭahmāsp. He also probably wanted to establish privileged relations with the Shāh.

Jāmi' 'Abbāsī is a book on *fiqh* characterised by its simple language. In writing on *fiqh*, he used a language accessible to the average reader. It was as if he aimed to popularise the teaching of *fiqh* through the simplification of its study and of the complex language that was characteristic of *fiqh* books, which made them comprehensible only to specialists.[3]

The book was based on a classification which was different from the traditional *fiqh* one. In addition to the usual studies on *fiqh*, it included some of the recommended (*mandūbāt*) actions, such as the visit to the Imāms' tombs and the Ḥajj rituals.[4]

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[1] The introduction by Baḥr al-'Ulūm to his *al-Kashkūl*, Vol. I, p.23.
[2] Published in Iṣfahān in 1329/1910.
[3] al-Muhājir, Ja'far, "Bahā' al-Dīn al-'Āmilī", *al-Thaqāfah al-Islāmiyya*, No.5, p.140.
[4] *Idem*, p.141.

Al-Bahā'ī also wrote another book on *uṣūl al-fiqh* which is considered to have filled a vacuum and remains a source of interest for scholarly circles. This book, *Zubdat al-uṣūl,*[1] highly regarded in the field of *uṣūl al-fiqh*, was studied, taught, commented on and interpreted by researchers. (Al-Ṭihrānī makes reference to twenty six interpretations of great *'ulamā'*).[2]

Al-Bahā'ī's opinions in matters of jurisprudence were preserved in the works of *fuqahā'* such as Muḥammad Jawād al-'Āmilī's *Miftāḥ al-karāma fi sharḥ Qawā'id al-'Allāma* (Cairo,1906) and Muḥammad Ḥasan al-Najafī's *Jawāhir al-kalām fi sharḥ sharā'i' al-Islām* (Beirut,1982). This is an indication of his high insight and significant scholarly status.

THE EMERGENCE OF THE AKHBĀRĪ MOVEMENT

The Akhbārī Movement has gone through two stages, the first being the founding period which was initiated by al-Mīrzā Muḥammad Amīn al-Astarābādī in the later period of the Ṣafawid dynasty.

The second was the revival era led by al-Mīrzā Muḥammad ibn 'Abd al-Nabī al-Naysābūrī al-Akhbārī (assassinated in 1232/1817) during the reign of Shāh Fatḥ 'Alī al-Qājārī.

The first staged is discussed here and the second one will be deal with in chapter V.

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[1]Published in Tehran, 1319/1901.
[2]*al-Dharī'a*, Vol. XXII, p.19.

The political situation began to stabilise in Iran under the rule of Shāh 'Abbās, following the struggle for power that had occurred within the Ṣafawid family, especially after he concluded a peace treaty with the Ottoman state in 996/1588. This stabilisation brought about a scholarly renaissance, which flourished with the participation of Iranian philosophers and theologians such as al-Amīr Bāqir al-Dāmād (d. 1040/1630) and Ṣadr al-Dīn al-Shīrāzī (d. 1050/1640), who played an important role in reviving the rational trend among the Ithnā'asharīs.

During this period, the influence of centres of religious education in Iran became noticeable, whereas the role of the teaching centre in al-Najaf, which had prospered at the same time under al-Ardabīlī, was withering.

In the atmosphere created by the new circumstances offered by the Ṣafawid state, various currents (philosophical, traditional, Ṣūfī) emerged. They united against what was left of the institution of the *fuqahā'*. Negativism among rational philosophers met with negativism among the traditionalists. Ṣadr al-Dīn al-Shīrāzī reacted as a philosopher against the *fuqahā'* who had involved themselves in the politics of the Ṣafawid state, accusing them of lack of knowledge, and stating that their objectives were political and aimed at submitting people to their *fatwās* and authoritarian orders.[1]

Shāh 'Abbās had encouraged all the existing trends to grow and become strong enough to struggle with one another in order to be able to keep them active and not allow any one trend to become predominant.

[1] al-Shīrāzī, *al-Asfār al-arba'a,* Tehran, 1964, Vol. I, p.706; see also al-Jābirī, p.279.

Despite Shāh 'Abbās's initiatives in maintaining a good relationship with prominent *fuqahā'* such as al-Bahā'ī, this relationship did not entitle them to participate in the state affairs. But Shāh 'Abbās endeavoured to use the community of the *fuqahā'* to support and legitimise his rule.

Reactions against the intervention of the *fuqahā'* in state matters developed into a strong current which influenced the evolution of the *ijtihād* school for about two centuries. This current was able to extend outside Iran and win over a vast section of the Shī'ī world.

The Akhbārī movement which started at this time, took advantage of the struggle within Ṣafawid politics to strengthen its position and try to limit the influence of *fuqahā'* who held important positions in the state.

The emergence of the Akhbārī movement and the violent role it played in events were among the factors which contributed to the strengthening of Ṣafawid politics in the person of Shāh 'Abbās and to the weakening of his traditional opponents among the *fuqahā'*. Support for this movement increased and culminated in the attempt on the part of Muḥammad Amīn al-Astarābādī (d. 1033/1623) to deal a fatal blow to the *fuqahā'* line.

Although his life remains obscure, al-Astarābādī's upbringing in Iran, his emigration to Iraq and eventual settlement in the Ḥijāz indicate that he was planning to stop the increasing influence of the *fuqahā'* and eradicate the *ijtihād* institution.

The Akhbārī movement centred its conflict with the *mujtahids* on scholarly issues, hence preparing a doctrinal programme based on a return to the original sources of Ithnā'asharī *fiqh*. They relied on historical grounds for holding to the *akhbār* of the infallible Imāms, in contrast with the *mujtahids* who based their method of deduction of legal *aḥkām* from legal sources on

the use of *aḥkām* proofs related to the Qur'ān, the Sunna, consensus and reason.

The earliest strong signs of the Akhbārī movement had made their appearance after the reign of Shāh Ṭahmāsp, mainly between 985/1577 and 997/1589, as a trend rejecting the practices of the Ṣafawid state. And, as a consequences of the steps taken by the Ṣafawid rulers to restrict the religious element and make it a mere follower of the state, and through their use of the Ithnā'asharī jurists to weaken the influence of the Qizilbāsh, Turkish tribes in Iran who adhered to Ṣufism, the reigns of Ismā'īl and his son Ṭahmāsp, a period of more than half a century, witnessed the weakening of the power of the *'ulamā'*. Moreover, they led to disappointment on the part of the religious elements and eventually to their adoption of a new policy to deal with the state. The *fuqahā'* thought they should not get involved in political activities and kept their activities within themselves to the Shī'ī inheritance and writing its masterpieces. This led to the crystallisation of a new trend which ultimately became identified as the Akhbārī movement.

AL-FAWĀ'ID AL-MADANIYYA

Al-Astarābādī wrote *al-Fawā'id al-madaniyya*[1] which is considered as representing the thought of the Akhbārī current in its purest form. In this book, he raised a number of questions related to the religious institution and tried to prove that this school had no legal authority, maintaining that such a characteristic could be attributed to his own movement by going back to the original sources which were collected in the era of the infallible Imams, and hence granting it religious legitimacy.[2] He thus stirred Shī'ī opinion against

[1]Published in Tehran, 1903, and republished in Qumm, 1985, under the editorship of Abū Aḥmad Āl 'Ūṣfūr al-Baḥrānī.

[2]Baḥr al-'Ulūm, *al-Dirāsa,* p.95.

the *uṣūlī* approach, taking advantage of the relative newness of this method, following as it did the Great Ghayba. The consequence of this method would be that by linking deduction to *uṣūlī* rules one would get away from legal source texts and weaken their importance. This attitude was uncommon amongst the *fuqahā'* who were the followers of the Imāms, as they could dispense with *uṣūl* in reaching legal certainty. If, al-Astarābādī argued, the predecessors worked on this basis, why should the later scholars indulge in the *uṣūlī* approach?[1]

Al-Astarābādī also resorted to statements that provoked controversy. He claimed for instance that Sunnī *'ulamā'* had historically preceded Shī'ite *'ulamā'* in the study of *uṣūl*, a situation which would grant *uṣūl* a Sunnī framework, and went on to prove that some of the Ithnā'asharī *fuqahā'*, such as Ibn al-Junayd (d. 381/991), agreed in their *ijtihād* with the Ḥanafīs in resorting to *qiyās* and *ra'y*.

He also rejected the proofs of reason (*ḥujjiyyat al-'aql*) except in non-religious matters which were based on observation, or a logical process similar to observation, as for example, mathematics. Otherwise, reason cannot be held as a proof as it is likely to commit a mistake, whereas abiding by the words of the infallible Imāms guarantees the avoidance of mistakes.[2]

In *al-Fawā'id al-madaniyya*, al-Astarābādī expounds his criticism of al-Karakī (d. 940/1533), and holds him responsible for wrongly re-locating the *qibla* and "destroying the *maḥārīb* (niches) of Persia, whose locations had been established since the time of Companions of the Imāms".[3]

Al-Astarābādī's opinions as expressed in *al-Fawā'id al-madaniyya* are a plea to the Ithnā'asharī *faqīh* to become a receptacle of transmitted *ḥadīths* of

[1]Baḥr al-'Ulūm, *al-Akhbāriyya wa-l-Uṣūliyya*, p.10.
[2]al-Amīn, *Dā'irat al-ma'ārif*, Vol. III, p.27.
[3]*al-Fawā'id al-madaniyya*, p.179.

the Prophet and the infallible Imāms only. Al-Khwansārī suggests that the reasons for al-Astarābādī's conversion to the Akhbāriyya go back to his teacher al-Mīrzā Muḥammad ibn 'Alī al-Astarābādī (d. 1028/1618), who lived in the Ḥijāz during those days.[1]

Some sources indicate that al-Astarābādī, after studying in Shirāz, travelled to the Ḥijāz to pursue his studies under the supervision of al-Mīrzā Muḥammad ibn 'Alī al-Astarābādī, who suggested to him that he should write a book dealing directly with the Akhbārī-Uṣūlī conflict. But Newman has drawn attention to the possibility that Muḥammad Amīn al-Astarabādī's evocation of his teacher's name in his treatise, may have been an attempt to bolster the legitimacy of his criticisms in *al-Fawā'id al-madaniyya.*[2] More than twenty years after *al-Fawā'id al-madaniyya* was written, Nūr al-Dīn 'Alī al-'Āmilī (970-1068/1563-1657), one of the Arab Uṣūlī *fuqahā'* from Jabal 'Āmil who lived in Mecca, wrote a reply to this book which he called *al-Shawāhid al-Makkiyya fi daḥḍ ḥujaj al-Fawā'id al-madaniyya.*[3] Al-'Āmilī's book, however did not put out the flames of the crisis and was not able to control the general Akhbārī trend, which spread to most of the Shī'ī scholarly centres in Iran, Iraq and the Ḥijāz, a development which directly affected the Ijtihād movement but also created a historical opposition against the Akhbārī movement.

THE DIFFERENCES BETWEEN TWO SCHOOLS

The principal differences between Uṣūlīs and Akhbārīs centred on the question of the *mujtahid,* on one hand, and on *'ilm al-ḥadīth* on the other

[1]Khawansārī, Vol. I, p.120.

[2]Newman, A.J., "The Akhbarī-Usulī dispute in late Safawid Iran", *BSOAS,* Vol. LV, Parts 1, 2, 1992, pp.22-51, 250-61.

[3]Published in Tehran, 1903.

hand. Despite the fact that al-Samāhījī identified forty differences,[1] some Akhbārī *'ulamā'* restricted those differences to only eight.[2] The main ones are:

1-*Ijtihād* was compulsory for the *mujtahids*, whereas Akhbārīs forbade it.

2-*Uṣūlīs* divided the community into two parts: the *mujtahid* and the *muqallid.* For the Akhbārīs, there were only imitators of the infallible Imām and no *mujtahids* whatsoever.

3-Akhbārīs rejected the classification of *ḥadīth* into *ṣaḥīh, muwaththaq, ḥasan* and *ḍa'īf* (sound, confirmed, good and weak) because in their opinion all *ḥadīth* were correct and valid and their correctness was established through evidence. They considered that the evidence supporting the *ḥadīth* in the Four Books (*al-Kutub al-arba'a*) proceeded from totally reliable sources which precluded the necessity for a science of *ḥadīth*. In their view, accounts should proceed directly from the infallible Imām or from those quoting him, regardless of the number of intermediaries.[3]

Then an interest in *ḥadīth* and their interpretation started. The activities of the Akhbārī school paved the way for the emergence of modern Akhbārī comprehensive collections of *ḥadīth,* the more important being *Kitāb al-wāfī,*[4]

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[1]In his treatise entitled *Munyat al-mumārisīn*, al-Samāhījī has identified forty issues which the Uṣūlīs and Akhbārīs have disagreed on. al-Khwansārī in his abridgement of the treatise has mentioned just 29 issues. After editing al-Samāhījī's treatise, A. J. Newman has compared it with al-Khwansārī's; see Newman, pp.22-51.

[2]al-Khwansārī, Vol. I, p.110; al-Baḥrānī, Yūsuf, *al-Kashkūl,* Vol. II, Beirut, 1987, p.386; Baḥr al-'Ulūm, *al-Ijtihād,* p.175; also see Mallat, Chibli, *The renewal of Islamic law, Muhammad Bāqer al-Ṣadr, Najaf, and the Shī'ī International,* London, 1993, pp.30-32. Momen summarised the difference betweeen the two schools in three categories:

A- On the sources of Doctrine and Law.

B- On the principles of Jurisprudence.

C-On the position of the *faqīh.*

See Momen, *An Introduction to Shi'ī Islam* ,pp.223-25.

[3]See Kohlberg, Etan, "Some Aspects of Akhbārī Thought", *Eighteenth-century renewal and reform in Islam,* New York1987: al-Karakī, Husayn, *Hidāyat al-abrār ilā ṭarīq al-a'imma al-aṭhār,* Najaf, 1977, pp.75, 187: and Mallat, Chibli, *The renewal of Islamic law*, p.30.

[4]Published in 3 volumes, Iran, 1910.

which was written by Muḥammad Muḥsin, known as al-Fayḍ al-Kāshānī (d. 1091/1680); *Wasā'il al-Shī'a ilā taḥṣīl masā'il al-Sharī'a,*[1] by Muḥammad ibn al-Ḥasan al-Ḥurr al-'Āmilī (d. 1104/1693), which became one of the major sources for *ḥadīth*; and *Biḥār al-anwār,*[2] by Muḥammad Bāqir al-Majlisī (d. 1110/1698), the unrivalled collection of *ḥadīth*.

Some *fuqahā'* took notice in the middle of this crisis of the erosion that was hitting the bases of their institution and they tried to find a solution that would enable them to avoid coming into collision with either school. Despite his settlement in Iran and his position as Shaykh al-Islām, Muḥammad ibn al-Ḥasan, known as al-Ḥurr al-'Āmilī, dedicated himself to teaching and writing, away from the circles of politics - whether the circles of the Shāh, or those of the official religious institution, or any other opposition circles.

AL-ḤURR AL-'ĀMILĪ

Al-Ḥurr al-'Āmilī favoured his Arab colleagues, which drew him distinctly towards his own nation. He wrote a biographical book devoted to the *'ulamā'* of his country, which he called *Amal al-āmil fi 'ulamā' Jabal 'Āmil.* The book is considered a precious relic which preserved the names of the Ithnā'asharī *'ulamā'* during that period. For a number of reasons relating to his nationality, he gave prominence to writing the biography of *'ulamā'* from Jabal 'Āmil over those of other Ithnā'asharī *'ulamā'*. The book was written while he was in Iran in what appears to have been an attempt to stress the significant achievements in the Shī'ism of the Jabal 'Āmil' *'ulamā'* on the one hand and the great services they rendered to the Ṣafawid Iranian state on the other. He also wanted to highlight the unique position he held among

[1] Published in 20 volumes, Tehran, 1963, edited by 'Abd al-Raḥīm al-Rabbānī.

[2] 110 volumes, published in Iran, edited by 'Abd al-Raḥīm al-Rabānī, and republished in Beirut, 1984.

Persian *'ulamā'* as well as his belonging to the Jabal 'Āmil pedigree, which contributed to the strengthening of the bases of the "sect" through the distinguished efforts achieved by Arab 'Āmilī *'ulamā'* on a soil to which they were linked only by a sectarian tie.

THE SCHOOL OF KARBALĀ' AND THE AKHBĀRĪ MOVEMENT

The last phase in the Akhbārī movement ended in the school of Karbalā'. The city of Karbalā' had prospered thanks to Shaykh Muḥammad Bāqir al-Bahbahānī (1117-1206/1705-1792), whose emergence heralded the beginning of a change in favour of the Uṣūlī trend; this *'ālim* came to be known as the "renewer" of Ithnā'asharī scholarly studies[1] because his era marked a new phase in the school of *ijtihād* which was called by Muḥammad Bāqir al-Ṣadr "the era of scholarly perfection".[2]

During the days of al-Bahbahānī, the Iraqi town of Karbalā' became one of the most famous scholarly centres. It was able to preserve this position, for about a century, until the death of Muḥammad Sharīf al-Māzandarānī in 1245/1829. His classes are reported to have attracted approximately one thousand students.[3]

The prosperity of Karbalā' and the scholarly renaissance it witnessed resulted from the political developments which followed the collapse of the Ṣafawid state in 1135/1722 at the hands of the Afghan tribes. Iran came to the verge of partition between its Ottoman neighbours, who swept towards the western regions, and the Russian troops, who headed for the south.[4]

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[1]Moussavi, Ahmad Kazemi, "The establishment of the position of Marja'iat al-Taqlīd in the Twelver Shī'i communities", *Iranian studies*, Vol. XVIII, No.1, 1985, p.41.

[2]al-Ṣadr, p.88.

[3]The introduction by Muḥammad Riḍā al-Muẓaffar to *Jawāhir al-kalām* by al-Najafī, Beirut, 1972, p.9.

[4]al-Dujaylī, p.57.

It was up to Nādir Shāh (1142-1160/1729-1747) to unify the country after having eliminated the dangers threatening its western and southern parts. But the dislike that persisted between him and the religious institution led him to turn his weapons against his opponents.[1] It is in such a context of turmoil that al-Bahbahānī chose to emigrate to Iraq in order to flee the events which were affecting the religious movement. He decided to settle in Karbalā' because this city had remained immune to the epidemic of plague which had spread to sacred places such as al-Najaf at that time[2] and because it was the centre for the activities of the Akhbārī movement.

At the beginning, al-Bahbahānī was an Akhbārī because of the predominance of this current in Iranian society. His teacher, Ṣadr al-Dīn al-Kāẓimī (d. 1164/1750), was an Uṣūlī *'ālim*. After a few discussions between the two, it is said that the student (al-Bahbahānī) became Uṣūlī, whereas the teacher became Akhbārī.[3]

It is likely that, after having experienced and became acquainted with the Akhbārī movement, al-Bahbahānī became aware of the dangers it concealed. He therefore prepared himself for confronting it with all available theoretical and practical means, from debates to the issuing of *fatwās* making it unlawful

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[1]To reduce the power of the influential religious leaders, Nādir Shāh cooperated with the Ottomans and held a conference in al-Najaf supposed to eliminate the differences between the two sects, the Shī'a, and the Sunnī. He called more than 80 religious personalities to the conference, and the Ottomans called a great number of Sunnī religious leaders. The following points were concluded:

1-The mutual recognition of both sects.
2- Acknowledging that the Shī'ī sect is the fifth established sect.
3- Apointing a leader for the Iranian pilgrims.
4- Mutual release of prisoners of War.

See al-Wardī, Vol. I, p.133.

The prominent Shī'ī Jurists of al-Najaf and Iran did not attend the conference because they knew that it was a political attempt which would not last for a long time. See Ḥirz al-Dīn, *Ma'ārif al-rijāl*, Vol. III, p. 195.

Nādir Shāh was assassinated in 1160/1747. See al-Suwaydī, *al-Ḥujaj al-qaṭ'iyya li-ttifāq al-firaq al-Islāmiyya*, Cairo, 1906; Nawār, Abd al-'Azīz, *al-Shu'ūb al-Islāmiyya,* Beirut, 1973, p.312.

[2]Baḥr al-'Ulūm, *al-Dirāsa,* p.72.

[3]al-Qazwīnī, Mahdī, *'Ilm al-isti'dād li-taḥṣīl malakat al-ijtihād,* fol. 51, (manuscript).

to follow leaders of the Akhbārī movement in practising the rituals of religious worship.[1]

His efforts concentrated on two domains:

Firstly, the formation of an elite of *fuqahā'* who would perpetuate their religious leadership after his death. His success in this respect was paramount, as his students -with Shaykh Ja'far al-Najafī, nicknamed Kāshif al-Ghiṭā' (1154-1228/1741-1813) at their head -played a prominent role in intellectual and political life after him.

Secondly, he led a violent attack against the Akhbārī trend with a sharp criticism of al-Astarābādī in his book, *al-Fawā'id al-ḥā'iriyya*.[2] He stood firmly against an Akhbārī *faqīh* who lived in Karbalā', Shaykh Yūsuf al-Baḥrānī (d.1186/1772), despite the latter's moderation. Some of his students and relations secretly attended al-Baḥrānī's courses on *fiqh*.[3] This close relationship between the Uṣūlī students and the Akhbārī *faqīh* might explain why al-Baḥrānī took a balanced stand between the two trends and ended up by violently criticizing Muḥammad Amīn al-Astarābādī, whom he accused of "corruption".[4]

Al-Baḥrānī reached the conclusion that the disagreement between the two movements was liable to weaken Shī'ism, which in its turn served specific political objectives. In his introduction to *al-Ḥadā'iq al-nāḍira*, he stated that he had been a fanatical member of the Akhbārī sect until he discovered that the conflict between the two movements cast a shadow on *'ulamā'* of both sides and that it centred on sections of *fiqh* "which did not yield any

[1]al-Khwansārī, Vol. IV, p.402.
[2]Cole, Juan, "Shī'ī clerics in Iraq and Iran, 1722-1780: The Akhbārī-Uṣūlī conflict Reconsidered", *Iranian Studies*, 28, 1985, pp.3-33. Baḥr al-'Ulūm, *al-Akhbāriyya wa-l-Uṣūliyya,* p.9; Kohlberg, "Some Aspects of Akhbārī Thought", p.150.
[3]al-Khwansārī, Vol. IV, p.402.
[4]al-Baḥrānī, *Lu'lu'at,* p.118.

significant difference"[1] but rather represented an attempt to strike at the heart of the Ithnā'asharī sect.

Al-Baḥrānī tried to bring the two trends together. For that, he cited the example in the early centuries of the co-existence of the traditional and rational movements and the success of the *fuqahā'* in his own time in avoiding being caught up in the conflict.[2]

Such an attitude on the part of an Akhbārī *'ālim* indicates that the Akhbārī movement was becoming limited. Al-Bahbahānī had actually succeeded in stopping this movement after a turmoil of about two centuries. Through the efforts of his *fuqahā'*, the *ijtihād* school started to re-emerge in a more effective way. The city of al-Najaf was adopted by some of his students, such as Mahdī Baḥr al-'Ulūm (1155-1212/1742-1797) and Kāshif al-Ghiṭā', as an independent centre for study. The history of *ijtihād* henceforth witnessed the establishment of a school known as the *fiqhī* school of Najaf.

The victory of al-Bahbahānī over the Akhbārīs can be explained by the fact that the latter's scholarly purpose had attained its object. The need for a new modern collection of *ḥadīth* had been fulfilled and the only thing it could still offer was operations of purely formal deduction.[3]

The Akhbārīs' misgivings waned with time. Indeed, the survival in practice of the *ijtihād* line made the abolition of the position of *mujtahid,* as well as the vision of *ijtihād* as a heresy that had infiltrated the Ithnā'asharī movement, irrelevant.

Mujtahids also proved that they were not mere links in chains of transmission of *ḥadīth*, but that they also derived benefit from them through

[1] al-Baḥrānī, *al-Ḥadā'iq,* Vol. I, p.167.
[2] *Ibid.*
[3] al-Ṣadr, *al-Ma'ālim al-jadīda,* p.85.

the process of deduction of legal *aḥkām* from detailed evidence and rationalization.

In this very critical period, the Shaykhiyya appeared as an independent trend. It was named after Shaykh Aḥmad al-Aḥsā'ī (d. 1241/1825), and then as the Rashtiyya movement, under the influence of the latter's student, Kāẓim al-Rashtī (d. 1259/1843).[1] These developments came after the collapse of the Akhbārī movement with the assassination of al-Mirzā Muḥammad al-Akhbārī in 1232/1816.

The Rashtiyya movement started to follow a complex intellectual course which fitted into the atmosphere prevailing at that time. Followers of this movement became known as the "Kashfiyya" because of their claims of inspiration and revelation (*kashf*).[2]

POINTS OF CONCLUSION:

1-The Jabal 'Āmil School underwent a scholarly renaissance thanks to the First Martyr and his efforts which eventually led to his assassination in 786/1383 by the Mamlūks.

2-This renaissance coincided with the emergence of the Ṣafawid state after (905/1499), and the *faqīh* of Jabal 'Āmil, al-Shaykh al-Karakī, contributed to the establishment of the Ṣafawid state on Ithnā'asharī ideological grounds. As a result of the control and influence exercised by this *faqīh* on Iranian popular circles, a latent conflict appeared between the *fuqahā'* institution and the Ṣafawid state. The causes of this conflict were political as well as ideological. The political problem was the almost total independence of the *fuqahā'* institution from political power, and its attempts at influencing

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[1] See Chapter VI.
[2] al-Amīn, *A'yān,* Vol. II, p.589.

political events. Ideologically, the Ṣafawids adhered to a Ṣūfī way which had its own intellectual criteria[1] that went back to their ancestor al-Shaykh Isḥāq Ṣafī al-Dīn (d. 735/1334). The fact that Ithnā'asharī thought was more influential than the Ṣafawid method led to the latter's elimination from Iran and replacement by Ithnā'asharī thought.

When the Ṣafawids seized power they became rulers and their methods, from being merely Ṣūfī, changed accordingly. Their involvement had changed their religious attitudes towards the outside world. Shāh Ismā'īl adopted the Ṣūfī methods which the Qizilbāsh tribes represented for two reasons:

First: he wished to assign the preaching of religion to *'ulamā'* instead of Ṣūfīs to weaken the Qizilbāsh tribes and force them to adhere to the Ṣafawid state. The Ithnā'asharī doctrine had a greater influence on Iranian society than the bigoted Ṣūfī ideology, which the state could not adopt.

The Ṣafawids succeeded in founding a religious establishment that was able to issue *fatwās* in support of their political attitude, and in suppressing Ṣūfism, which was the religious pillar of the Qizilbāsh tribes. The same policy was followed at a later period of Ṣafawid rule, during the rule of Shāh 'Abbās.

Second: he wished to create doctrinal unity, which would contribute to widening the differences between the Iranian and the Turk.

Gradually the *'ulamā'* had begun to assume power. This process reached its climax when they began to direct state affairs, resulting in a reduction in the power of the Ṣafawid rulers, especially at the time of Shāh Ḥusayn, which

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[1] See Ṣafī al-Dīn al-Ardabīlī, *Kitāb al-buwayraq aw al-Manāqib fī Ādāb al-Ṭarīqa al-Ṣūfiyya,* translated from Turkish by Aḥmad Ḥāmid al-Ṣarrāf, Baghdad,1954.

contributed to the rise to power of the Afghān tribes and put an end to the Ṣafawid state.

The Ṣafawid rulers supported al-Karakī in order to weaken the Qizilbāsh tribes who were behind their succession to the throne, and they aimed at controlling the *fuqahā'* institution, which al-Karakī stabilised in order to make it a support of the state.

This latent conflict between the institution of the *fuqahā'* under the leadership of al-Karakī and the Ṣafawid political institution at the end of the rule of Ismā'īl, grew stronger and ended with the exile of al-Karakī in Iraq until the rule of the son of Ismā'īl, Shāh Ṭahmāsp.

3-The conflict continued after the assassination of al-Karakī in Iraq in obscure circumstances by the Ṣafawids. The assassination was planned by Shāh Ṭahmāsp, who tried to avert suspicion by generating a conflict between al-Karakī and some *amīrs*. The sending into exile of a few *amīrs* and their punishment -whilst al-Karakī was granted significant political privileges in exile - was a subterfuge to which he resorted to muddy the scene.[1]

4-The Mamlūks in Bīlād al-Shām, after the massacre of Kisrāwān at the beginning of eighth/fourteenth century, intended to create the impression that Shaykh Ibn Taymiyya was behind it. By so doing, they had created an adverse atmosphere against him within the Sunnī community. They had exploited his *fatwā* which disagreed in the divorce case which he dealt with in accordance the Shī'ī jurisprudence. Accordingly they set out on his trail, imprisoned him, and later got rid of him. This gave the rulers a good chance to evade the responsibility for the outbreak of the war and definitely blame Ibn Taymiyya by putting one across on the Shī'a.

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[1]Compare with Arjomand, S. A. (translator), "Two decrees of Shāh Ṭahmāsp Concerning Statecraft and the Authority of Shaykh 'Alī al-Karakī", in Arjomand (ed.), *Authority*, p.250.

5-The Shī'ī scholarly centres in al-Najaf and Jabal 'Āmil preserved their scholarly line and avoided interfering in the affairs of both Ṣafawid and Ottoman politics.

6-A new *fiqh*, which was unknown before the establishment of the Ṣafawid state, emerged as a result of the questions raised in the prevailing circumstances. Al-Karakī's *Jāmi' al-maqāṣid* is one example. The Second Martyr and his son, Shaykh Ḥasan al-'Āmilī, also wrote important works on *'Ilm al-uṣūl* and *fiqh*.

7-The emergence of the Akhbārī movement was a reaction to the interference of the *fuqahā'* in politics. The influence of the Akhbārī school waned after the time of the rise of the Shaykhiyya and the Rashtiyya.

CHAPTER IV

THE SCHOOL OF AL-NAJAF

(THE FIRST PERIOD)

The Najafī intellectual movement began to flourish in the late eighteenth century under both Sayyid Mahdī Baḥr al-'Ulūm (d. 1212 /1797) and Shaykh Ja'far Kāshif al-Ghiṭā' (d. 1228/1813). These two *faqīhs* had been disciples of al-Bahbahānī in the city of Karbalā', then they moved to al-Najaf during their master's lifetime for various reasons, including :

1-The fact that al-Najaf had become prosperous after water was brought to it in 1208/1793 by digging canals;[1] this water put an end to many years of drought which had caused its citizens to leave the town.

2-As for Karbalā', it became the centre for ideological currents opposed to the school of *ijtihād,* and moving from it favoured the origination of a serious scholarly trend which avoided handling conceptual disputes that could not favour the progress of the the *ijtihād* school, especially after the *shaykh* of the Akhbārites, Muḥammad b. 'Abd al-Nabī al-Naysābūrī al-Akhbārī (1178-1232/1764-1817) opposed the *faqīhs* with a force of argument they were not able to overcome.

3-al-Bahbahānī's religious authority was transferred to his most brilliant disciples, Mahdī Baḥr al-'Ulūm and Ja'far Kāshif al-Ghiṭā'. That happened in the first place due to his incapacity to carry on the leadership himself,

[1]Baḥr al-'Ulūm, *Tuḥfat al-'ālim,* Vol. I, p.292: Maḥbūba, Ja'far, *Māḍī al-Najaf wa-ḥāḍiruhā,* Vol. I, p.195.

being very old, and secondly, because of the power and influence of the two *faqīhs* within the Iraqi tribes.

Baḥr al-'Ulūm took the direction of the community in hand, and founded -for the first time in the history of the leaders of the Ithnā'ashariyya-a highly organised administration for the affairs of the religious community, which was capable of dealing with their increasing complexity. He appointed to positions of power those who were able to appreciate and cope with the growing importance of matters relating to the leadership of the religious institution Marja'iyya[1] and its religious demands. He reserved to himself the intellectual aspect of leadership by personally teaching religious studies and handed over the political part, based on issuing *fatwās* and maintaining traditions, to Ja'far Kāshif al-Ghiṭā'. The *'ibādāt* area, including ritual prayers, was entrusted to Ḥusayn Najaf (1159- 1251/1746-1835).[2]

When Baḥr al-'Ulūm died in 1212/1797, the leadership in teaching was assumed by Shaykh Ja'far Kāshif al-Ghiṭā'. This *faqīh* became the new leader and he protected the Ithnā'asharī school from the doctrinal attacks of the Akhbārīs and took measures to resist the raids launched by the Wahhābīs against Iraqi cities, including Karbalā' and al-Najaf.

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[1]The office of Marja'iyya reflects one of the new official titles. In spite of the true crystallisation of the religiouse estableshement since the period of Najaf school, the titles Marja'iyya and Marja' are not used in any of the historical references available to us. The titles *al-ri'āsa* and *faqīh* were in use instead.

Muḥammad Mahdī Shams al-Dīn claims that the title al-Marja' al-A'lā (the supreme *marja'*) was used for the first time by the community of *'ulamā'* (Jamā'at al-'Ulamā') in al-Najaf in the early 1960s during the struggle between the Communists and the Islamic movement.

The title al-Marja' al-A'lā and al-Marja'iyya al-'Ulyā were used in the statements issued by the Jamā'at al-'Ulamā' who had the full support of Muḥsin al-Ḥakīm.

Shams al-Dīn, Muḥammad Mahdī, *al-Umma wa-l-Dawla wa-l-Ḥaraka al-Islāmiyya,* Beirut, 1994, p. 135.

Marja' would be used in its etymological sense. In difference to Persian practice, the form *marja'* is used in this thesis.

[2]Kāshif al-Ghiṭā', 'Alī, *Adwār 'ilm al-fiqh wa-aṭwāruh,* Beirut, 1979, p.258.

In addition, he tried to keep the religious centre of al-Najaf in a position of neutrality between the Ottoman and Qājārite states, thus maintaining its political and intellectual independence.

The most outstanding event of this era was the reconciliation which Shaykh Mūsā Kāshif al-Ghiṭā', the son of Shaykh Ja'far (1181-1241/1767-1826), had achieved between the two main powers, the Ottoman and Qājārite states, after a battle took place between invading Ottoman forces and Persians at Khānaqīn on the Iranian border in the year 1237/1821. This reconciliation was impossible to achieve without the complete defeat of the Turkish forces in which was the Turks suffered big casualties and many of their soldiers and officers were taken prisoners.[1]

Shaykh Mūsā Kāshif al-Ghiṭā' accordingly was given the title of *al-Muṣliḥ bayn l-dawlatayn* (i.e. the conciliator between Iran and Iraq),[2] who brought an end to the quarrel between Muḥammad 'Alī, son of Mīrzā Fatḥ 'Alī al-Qājārī, and Dāwūd Bāshā, the governor of Baghdad.

This led to an Iranian migration to Iraq, when large amounts of money were allocated by the world-wide Shī'ī community for building and restoring sanctuaries, as well as for paying religious and tradition specialists.[3]This was one of the most important periods of prosperity for the intellectual movement, as it took advantage of the political stability resulting from peace. Huge religious schools were founded and Shī'ī students from Iran and elsewhere made great efforts to go to al-Najaf to complete their studies. The number of

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[1]Kāshif al-Ghiṭā' mentions in his book *al-'Abaqāt al-'anbariyya* that amongst the prisoners were Arab tribal leaders; such as Ḥamūd al-Sa'dūn (*Shaykh al-Muntafiq*). Kāshif al-Ghiṭā', Muḥammad Ḥusayn, *al-'Abaqāt al-'anbariyya fī ṭabaqāt al-Ja'fariyya,*Vol. II, fol. 7.

[2]Al-Muẓaffar, *Muqaddima 'alā Jawāhir al-kalām,* by al-Najafī, Vol. I, Beirut, 1982, p.9; al-Amīn, *A'yān al-Shī'a,* Vol. X, p.178.

[3]al-Muẓaffar, p.10.

students approached 10,000 and they were from all countries and nationalities, though Iranians were the most numerous.[1]

THE SHĪʻĪ LEADERSHIP AND THE APPEARANCE OF THE WAHHĀBĪ MOVEMENT

In this very period the Shīʻī leadership started to make progress towards achieving a political structure, coinciding with the emergence of the Wahhābī movement in Najd. Wahhābism had originated with a local *shaykh*, Muḥammad b. ʻAbd al-Wahhāb (1115-1206/1703-1792), who relied upon the support of a tribal power-base headed by Prince Muḥammad b. Saʻūd of al-Ḥā'il (d. 1179/1765). The real influence of this movement grew stronger when Saʻūd b. ʻAbd al-ʻAzīz succeeded his aged father, ʻAbd al-ʻAzīz (d. 1218/1803), in 1203/1788.[2]

The Wahhābī *duʻāt* were very active in professing their doctrine as they increased contacts with the Iraqi tribes, aiming to set them against the Ottomans.[3] The Arabian Peninsula (except for Masqaṭ) was under Ottoman domination, like Iraq, Syria and Egypt. But control was not total, as the governors of these countries were only asked to deliver as a proof of their allegiance to the Sublime Porte an annual amount of money that was calculated on the basis of the resources of the particular *wilāya* they governed. At moments when the Ottoman Empire showed signs of weakness, those of the citizens of the *wilāya* who coveted power fought to accede to the post of governor. The Sublime Porte used to give this post to the one who could vanquish his adversaries. This was how things went on in Egypt, Iraq and Yemen, and, to a lesser extent, in the Ḥijāz.[4]

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[1] al-Wardī, *Lamaḥāt ijtimāʻiyya,* Vol.III, p.79.

[2] Shāmiyya, Jibrān, *Āl Saʻūd māḍīhum wa-mustaqbaluhum,* Beirut, 1990, p.40;Philby, H. St. J. B., *Arabia*, London, 1930, p. 8; Rihani, Ameen, *Ibn Sa'oud of Arabia*, London, 1928, p. 237.

[3] al-Asadī, Ḥasan, *Thawrat al-Najaf,* Baghdad, 1974, p.145.

[4] Shāmiyya, pp.40-41.

As for the United Kingdom, whose influence spread now out to the Middle East countries, its first priority during the eighteenth and nineteenth centuries was to promote and maximise her commercial interests by securing the trade routes to India through the Arabian Gulf, thereby making sure that the wares of the British East India Company arrived safely at the Arabian Gulf ports, so they could be dispatched to the countries of the Near East and then conveyed to Europe.

The British policy was one of non-involvement. This was maintained throughout the eighteenth and nineteenth centuries and until the First World War started in1914, and not until then did Britain interfere in the internal problems of the Arabian Gulf. And even then, although the United Kingdom extended her protection to the remainder of the Shaykhdoms in the Gulf, it maintained only distant and cautious relations with the emerging Saudi State. That is why no friction occurred between them.

There was no other foreign influence in the nineteenth century to compete with the United Kingdom, except when the governor of Egypt, Muḥammad 'Alī Bāshā, invaded al-Dar'iyya and al-Aḥsā' for a short period (1818-1824), taking advantage of the fact that both the Iranian and the Ottoman forces were weakened by their own problems.[1]

Wahhābī expansion had continued in the first decade of the century, led by Imām 'Abd al-'Azīz b. Sa'ūd as religious leader with his son Sa'ūd b. 'Abd al-'Azīz at the head of the army. The Wahhābīs began to challenge Ottoman rule in the Ḥijāz and neighbouring countries. The reason behind their war raids was to plunder tribes and not to invade and control the areas, because they did not have sufficient power and means to do this.[2]

[1] *Idem*, p.58.
[2] *Idem*, p.79.

The Wahhābīs kept on extending their attacks until they involved cities and religious centres such as Mecca, Medina, Karbalā' and al-Najaf. Once they had invaded the Ḥijāz (1218 /1803), an expansionist drive started again.

While Baghdad was suffering a terrible epidemic of plague in 1215/1800, the Wahhābīs took advantage of circumstances to attack Karbalā' and its surroundings.[1] This attack was conducted by Sa'ūd b.'Abd al-'Azīz at the head of an army of 12,000 soldiers. It occasioned widespread killing and plunder, and the theft of a fortune from the mausoleum of the Imām al-Ḥusayn b. 'Alī; the soldiers took the gold reserves and demolished the mausoleum. Deaths were calculated at more than 3,000.[2]

The Wahhābī historian Ibn Bishr relates that when Sa'ūd b. 'Abd al-'Azīz led his army to Karbalā', " The Wahhābīs besieged the city, climbed its walls, went in, killed most of the citizens and demolished the dome that was put on the grave of al-Ḥusayn. They took the treasure that was in the dome and in the surroundings. They took the gems and jewels that were on the grave, they also stole all the fortunes of the citizens and all their weapons. They only stayed for a morning and left at noon".[3]

At the same time, the governor of Baghdad sent an army to face the invading forces, but it arrived too late to stop the Wahhābīs, who were already withdrawing, laden with the treasures they had stolen.[4]

The Shāh Fatḥ 'Alī al-Qājārī was aggrieved by the incidents at Karbalā' and official mourning was declared in Iran. He accused the government of Baghdad of responsibility for the incidents because it had not been able to defend Karbalā', even though it knew the plans of the Wahhābīs. He also

[1]Philby, *Arabia*, p. 81.
[2]al-Khalīlī, Ja'far, *Mawsū'at al-'atabāt al-muqaddasa (Qism Karbalā')*, Beirut, 1966, p.270; Maḥbuba, *Māḍī al-Najaf wa-ḥāḍiruhā*, Vol. I, p.325.
[3]Ibn Bishr, 'Uthmān, *'Unwān al-majd fī Tārīkh Najd*, al-Riyāḍ, 1972, p.121.
[4]al-Asadī, p.147.

declared that he wanted to muster a huge army to take revenge on the Wahhābīs, and threatened to attack Baghdad.

The aged governor of Baghdad, Sulaymān al-Kabīr, received this warning without being able to articulate any response. Meanwhile, the Shāh's plans were deflected by a Russian attack on his northern border.[1]

The Wahhābī attacks were not mainly directed against Shī'īs, but aimed at disrupting peace and order within the Ottoman Empire. Shaykh Ja'far Kāshif al-Ghiṭā' and the religious leadership in al-Najaf saw through the intrigues of the Wahhābīs and understood that among their other aims was to plunder the treasures in the sanctuaries of Iraq. So they moved the treasures of al-Najaf to Baghdad under an agreement with the governor of the city, to secure them from falling into the hands of the Wahhābīs. They were counted and officially recorded. Some years later (1238/1822) they were returned to al-Najaf under an agreement between the Iranian and the Ottoman state.[2]

It is important to emphasise that the religious institution represented by Kāshif al-Ghiṭā' tried to avoid war with the Wahhābīs. The policy of Kāshif al-Ghiṭā' had been characterised by a special effort to keep al-Najaf independent of the political involvement of the region. By safeguarding the Shī'ī cities, he preserved at the same time the Ithnā'ashariyya from destruction.

To maintain his political independence, he tried to develop good relations with the first religious leader of the Wahhābīs, Muḥammad b. 'Abd al-Wahhāb, by sending letters and gifts. This led Muḥammad b. 'Abd al-Wahhāb to appoint Ja'far Kāshif al-Ghiṭā' as his representative in al-Najaf.[3]

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[1]al-Wardī, Vol. I, p.193.

[2]Kāshif al-Ghiṭā', *al-'Abaqāt al-'anbariyya*, fol, 52; Al-Muẓaffar, Muḥammad Ḥusayn, *Tārīkh al-Shī'a*, Beirut, 1979, p.97; *A'yān al-Shī'a*, Vol. X, p.178.

[3]*al-'Abaqāt al-'anbāriyya*, fol. 54.

Muḥammad Ḥusayn Kāshif al-Ghiṭā'(1294-1373/1877-1954), who specialized in the history of Ja'far Kāshif al-Ghiṭā''s family, concluded that Shaykh Ja'far had tried, through these diplomatic manoeuvres, to play for time, in order to avoid facing the Wahhābīs in an armed confrontation,[1] knowing that the Shī'ī cities would not be disturbed while Muḥammad b. 'Abd al-Wahhāb was still alive. Muḥammad Ḥusayn Kāshif al-Ghiṭā' points out that a campaign against al-Najaf was projected by Muḥammad b. 'Abd al-Wahhāb, but it was cancelled when he received a valuable gift from Shaykh Ja'far, as a proof of the allegiance of the citizens of al-Najaf to Muḥammad b. 'Abd al-Wahhāb.[2]

The real danger from the Wahhābī movement became apparent in the period during which 'Abd al-'Azīz b. Sa'ūd governed after his father's death in 1179/1765.[3] He had assumed the leadership of the army during Muḥammad b. 'Abd al-Wahhāb's lifetime. After Shaykh Muḥammad b. 'Abd al-Wahhāb's death in 1206/1791, 'Abd al-'Azīz became the religious leader, having already given the command of the army to his son Sa'ūd in 1203/1788.

Shaykh Ja'far tried to take the same diplomatic steps with 'Abd al-'Azīz b. Sa'ūd. He wrote him a letter entitled *Manhaj al-rashād li-man arāda al-sadād* (The way of right guidance for the one who wants to know the right thing to do).[4] It was in fact a response to a letter that 'Abd al-'Azīz ibn Sa'ūd had sent him, and in which he explained the principles of the reforming Wahhābī movement in comparison with the ideas and beliefs of other Muslims.

[1] *Idem,* fol.55.
[2] *al-'Abaqāt,* fol.54.
[3] al-Asadī, p.145.
[4] Printed in al-Najaf in 1324/1923, and reprinted in Qumm, 1993, with notes by Mahdī al-Rajā'ī.

The letter of Shaykh Ja'far Kāshif al-Ghiṭā' can be considered as the first example of critical analysis of the ideological sources of the Wahhābī movement. His approach to the problem is a rationalist one that uses discussion, meditation and openness so as to reconcile different points of view. He writes : "I swear by the name of the One that made you a leader after you were rightly led, and listened to you after you were only listening to others' ideas, and ask you to think of what I wrote and meditate on what I established, making sure that your decision is your own by isolating your mind from others, using in your conceptual discussion a clear method. May these efforts show us that there are no differences between us and make us glorify the Lord for His power in letting us reach a real union".[1]

What is important to note is that Kāshif al-Ghiṭā' presented himself in the introduction of his book as a disciple of Baghdad, and it is well known that he had never been taught by anyone in Baghdad. Muḥammad Ḥusayn Kāshif al-Ghiṭā' claims that, by attaching his ideological positions to Baghdad, Shaykh Ja'far wanted to present himself as a Sunnī, thus avoiding a charge of blasphemy by 'Abd al-'Azīz.

It is difficult to agree with this point as the Wahhābī leader knew perfectly well about the solid ideological position (in terms of the Ithnā'ashariyya) of Shaykh Ja'far. The move of Shaykh Ja'far can rather be explained by the fact that he was on good terms with Shaykh Muḥammad b. 'Abd al-Wahhāb. The latter had first studied the religious sciences and Ḥanbalī *fiqh* with the Shaykhs of Baghdad.[2] Shaykh Ja'far wanted to suggest to 'Abd al-'Azīz b. Sa'ūd that he also had studied in the same school as Muḥammad b. 'Abd al-Wahhāb and that he was his schoolmate.

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[1]Kāshif al-Ghiṭā', Ja'far, *Manhaj al-rashād li-man arāda al-sadād,* Najaf, 1924, p.4.
[2]Hughes, Thomas Patrick, *Dictionary of Islam*, London, 1896, p.659; Philby, *Arabia,* p.8; al-Asadī, p.145.

Ja'far Kāshif al-Ghiṭā' discussed in his book *Manhaj al-rashād* the principles on which the Wahhābīs based their criticism of other Muslims. Wahhābī ideology is based on the six books of the Sunnī *Ṣiḥāh al-ḥadīth*. That is why this *faqīh* promised to use in his discussion only references taken from these six sources.[1]

At the end of this letter, Shaykh Ja'far says that 'Abd al-'Azīz b. Sa'ūd had joined the Wahhābī sect for no other reason than his lack of knowledge and experience. Shaykh Ja'far asked 'Abd al-'Azīz to remember the letter he wrote to him, and consider it as a common testament.[2] He quoted some passages of the letter that 'Abd al-'Azīz sent him, which included a warning ordering him to adopt the principles of the Wahhābī argument.

Yet Shaykh Ja'far did not succeed in converting 'Abd al-'Azīz to his ideas, since he was unable to dissuade the latter's leader from his decision to attack the Shī'ī religious cities. That is why he decided to fortify the city of al-Najaf and to build up its defences. He trained all the citizens in handling arms that he himself bought, opened special fields for exercise and imposed military training as a religious duty.[3]

Shaykh Ja'far mobilised all the means available to him and took personal responsibility for protecting the city. He also took steps for its defence by posting men at the entries to watch the movements of the enemy, and by ordering large rocks to be placed behind the gates as barricades. He made some of the combatants take up position behind these gates and dispatched the others to the city or stationed them on the ramparts, so that they would put up the best resistance possible against any invading unit.

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[1] *al-'Abaqāt*, fol.56.
[2] *Manhaj al-rashād*, p.81.
[3] Al-Muẓaffar, *Muqaddima 'alā jawāhir al-kalām*, Vol. I, p.11.

There were only two hundred combatants in the city. The others had left fearing the invasion, inducing Sayyid Jawād al-ʻĀmilī (1164-1226/1752-1811) to write a letter admonishing the citizens who abandoned al-Najaf.[1]

None of the five attacks on al-Najaf succeeded. The most violent one took place at the end of the year 1218/1803, and the governor of Baghdad sent an army to help the citizens to defend al-Najaf, but it arrived after the withdrawal of the attacking force.[2]

In 1221/1806 the Wahhābīs made their usual annual raid on some of the southern regions of Iraq and then suddenly attacked al-Najaf, but they were defeated and returned to their positions once more.[3]

Because of the fear of further attacks on al-Najaf from the Wahhābīs, Shaykh Jaʻfar decided to build a fortified rampart to defend the city. He charged with this project al-Ṣadr al-Aʻẓam Niẓām al-Dawla Muḥammad Ḥusayn Khān (d.1239/1823), the minister of Fatḥ ʻAlī Shāh.[4] The wall was built between the years 1218/1803 and 1227/1811[5] and was equipped to resist the invasion. Al-Najaf became a real fortress that could only be invested with difficulty, and it was that same rampart which held up the British forces in 1336/1918.[6] It remained in good all-round condition until 1350/1931, when it was included in a residential area.[7]

In al-Najaf the soldiers and other defenders were ordinary citizens who obeyed the religious leaders and who carried on with their own professions when not engaged on this service, for which they were not remunerated.[8] As

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[1] *al-'Abaqāt,* fol.49.
[2] *al-'Abaqāt,* fol.53; al-Asadī, p.147.
[3] Philby, p.89, al-Asadī, p.147.
[4] al-Ḥasanī, ʻAbd al-Razzāq, *al-'Irāq qadīman wa-ḥadīthan,* Ṣaydā, 1956, p133.
[5] Maḥbūba, Vol.1, p.212.
[6] Al-Muẓaffar, *Muqaddima 'alā Jawāhir al-kalām,* Vol.I, p.11.
[7] al-Asadī, p.44.
[8] *Ibid.*

the danger of Wahhābī attacks diminished, the army became more professional. Army leaders were appointed, and each one of them wanted at one time or another to take command of the city for many years after the death of Kāshif al-Ghiṭā'. The army was essentially divided into two groups : *al-Zukurt* and *al-Shimirt.* These divisions caused serious troubles in the city, which the Ottomans were unable to stop even when they sent companies of soldiers to punish the army commanders of al-Najaf and stop the killings of innocents.[1] Such incidents continued to trouble the peace of al-Najaf until the end of Ottoman authority in Iraq.[2]

The attacks of the the Wahhābīs were not restricted to Shī'ī cities only, they even attacked the sepulchre of the Prophet. In 1217/1802, Sa'ūd sent his armies in the direction of the Ḥijāz, and entered Mecca in 1218/1803. The historian al-Jabartī relates that the Wahhābīs sacked the sepulchre of the Prophet and seized all the jewellery and relics which constituted the fabulous treasures that were inside it.[3]

The Ottomans had not, at first, attached any kind of importance to the Wahhābī raids made against the southern regions of Iraq and Syria, nor had they been attentive to the plundering of the tribes and the villages, because they knew that these attacks were only carried out as acts of Bedouin piracy. The situation became different when the Wahhābīs attacked holy places that were supposed to be under the protection of the Ottoman Caliphs who had assumed worldwide authority over Sunnī Muslims. When Sa'ūd b. 'Abd al-'Azīz plundered the sepulchre of the Prophet, prohibited the pilgrimage (1218/1803), demolished the domes, and imposed the Wahhābī ritual on the inhabitants, he had done so in defiance of the Sublime Porte and its army. In

[1]*Idem*, p.47.
[2]*Idem*, p.46.
[3]Shāmiyya, p.82.

retaliation, the Ottomans sent Egyptian armies to invade the Najd after they had expelled him from the Ḥijāz.[1]

While these decisive events were taking place, the Ottomans succeeded in convincing Muḥammad 'Alī Bāshā of Egypt of the need to interfere and stop the wars that raged in the Arabian Peninsula. Muḥammad 'Alī was ready to undertake such an adventure. He wanted above all to obtain a domestic victory by deploying in a battle on foreign soil the Mamlūks who had put the country in disorder after the withdrawal of the French forces. He saw in this battle against the Wahhābīs the best opportunity to strengthen his authority in Egypt and at the same time obtain an important victory outside Egypt. This is why he responded to the request of the Ottoman Sulṭān.

He planned an important campaign to the Najd in 1227/1811 and gave the leadership to his son Ṭūsūn. A splended feast was prepared for the departure of the armies in the palace in Cairo called the Fortress (*al-Qal'a*). All the influential Mamlūks were invited to his feast and Muḥammad 'Alī Bāshā seized the opportunity to slaughter them, thus putting an end to the Mamlūk era in Egypt.[2]

The Egyptian campaign succeeded in destroying the first Wahhābī state and controlling the whole region. At this stage of his career, Muḥammad 'Alī Bāshā was still working for the Ottoman Empire. He maintained his occupation of the Ḥijāz between 1227/1811 and 1256/1840. During this occupation, he tried to found an extended Arab state that would be put under his own control and be effectvely independent of the Ottoman authority.[3] But Britain could not accept that, and chose to favour the Ottomans.[4] The British

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[1] *Idem*, p.85.
[2] *Idem*, p.54.
[3] Shāmiyya, p.54.
[4] Winder, R. Bayly, *Saudi Arabia in the nineteenth century*, New York, 1965, pp. 16-49; al-Asadī, *Thawrat al-Najaf*, p.147.

government warned the *shaykhs* of the protectorate in the Gulf not to cooperate with the Egyptian forces. Then it invaded Aden (1251/1835), placing the seaborne communications between Egypt and the Egyptian army that occupied al-Aḥsā' at its mercy.

Then it convinced the European states that a weak Ottoman Empire would be better than a powerful and expansionist Egyptian rule. An international conference took place in June 1252/1836 in London, with the participation of delegations from the governments of the Ottoman Empire, the United Kingdom, Russia and Austria. The French government boycotted it because of French support for Muḥammad 'Alī Bāshā.

As a consequence of this conference, Muḥammad 'Alī Bāshā ordered his troops' withdrawal in 1256/1840. This marked the end of Egyptian influence in the Arabian Peninsula and the restoration of local sovereignty under cover of nominal Ottoman rule.[1]

THE AKHBĀRĪ MOVEMENT (THE REVIVAL STAGE)

The Akhbārī movement resumed its activities with al-Mīrzā Muḥammad b. 'Abd al-Nabī al-Naysābūrī al-Akhbārī, who was killed in 1232/1817. He had encountered the Uṣūlī school represented by al-Bahbahānī and his disciples in the city of Karbalā', and taken up opposition to them.

Shaykh Ja'far Kāshif al-Ghiṭā' tried to rouse the Arab tribes against al-Mīrzā, whom he accused of drifting away from the original movement of the Ithnā'ashariyya and waging ideological war against the community. The attempt of Shaykh Ja'far failed because al-Mīrzā was well known in the city,

[1] Shāmiyya, p.56; al-Asadī, *Thawrat al-Najaf,* p.147.

where he had many disciples. Even violent means were not sufficient to eject al-Mīrzā from Karbalā'.

But al-Mīrzā emigrated to Iran to continue his preaching, once he knew he was supported by Shāh Fatḥ 'Alī al-Qājārī, to whom he became close. Shāh Fatḥ 'Alī was on good terms with the institution of the *fuqahā'*[1] and especially with Shaykh Ja'far Kāshif al-Ghiṭā', and tried to maintain a healthy relationship with them.

Al-Mīrzā became closer to the Shāh because of his knowledge. Shaykh Ja'far had to travel to Iran in order to restrict his activities. He held open discussions in the Shāh's council. Muḥammad Ḥusayn Kāshif al-Ghiṭā' describes a long discussion between the Uṣūlī and Akhbārī poles of the movement. He also displays great pleasure in stressing the victory of Shaykh Ja'far, who had restricted Akhbārī ideology in Iran.[2]

It is probable that some Persians were Akhbārīs before Shaykh Ja'far went to Iran and that he was able to make them retract by defeating al-Mīrzā Muḥammad there.[3] This is not documented in any detail, but there is little doubt about the fame of al-Mīrzā in Iran and the political support the Shāh gave him.

The opposition between al-Mīrzā and Kāshif al-Ghiṭā' became strong. Shaykh Ja'far wrote a book against al-Mīrzā and presented it to the Shāh; it was entitled *Kashf al-Ghiṭā' 'an ma'āyib al-Mīrzā Muḥammad 'aduww al-'ulamā'* (Lifting the cover from the vices of Mīrzā Muḥammad, the enemy of the *'ulamā'*). In response, al-Mīrzā wrote a book entitled *al-Ṣayḥa bi-l-ḥaqq*

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[1] *al-'Abaqāt*, fol. 27.

[2] There were three main Shī'ī trends; *al-Uṣūlī* led by Kāshif al-Ghiṭā', *al-Akhbārī* led by al-Mīrzā, *al-Shaykhī*, led by Aḥmad al-Aḥsā'ī. The Shāh used to balance their power. He also went further to encourage them to hold debates and get involved in minor issues in order to keep them weak.

[3] al-Jābirī, *al-Fikr al-salafī*, p.400.

'alā man alḥada wa-tazandaq (The cry of truth against those who became atheistic and miscreant). These books provide an eloquent testimony to the level of intensity reached by the antagonism between the two men.[1] Neither of these has been published.[2]

No other major incident marked the period until Shaykh Kāshif al-Ghiṭā' died and was replaced in the leadership of the Ithnā'ashariyya by his own son Mūsā . He in his turn wanted to know how cordial the relations between the Shāh and al-Mīrzā were. He wrote a letter of warning to the Shāh, who assured him that his relations with al-Mīrzā were indeed very good: "We take profit from his knowldge and ask his help".[3] But al-Mīrzā Muḥammad did not stay long in Iran, where he faced strong opposition. Influential Persians threatened him and the Muftī issued a *fatwā* ordering that he should be put to death.[4] He turned aside to Iraq and settled in Baghdad at al-Kāẓimiyya.[5] The emigration of al-Mīrzā Muḥammad had the backing of the Ottoman governor, who started to support the ideological stance of al-Mīrzā against the *mujtahidūn*.[6]

One historian says that al-Mīrzā maintained an active and efficient opposition to the *fuqahā'* in Iraq, which obliged Shaykh Mūsā to emigrate from al-Najaf and to go to the Kāẓimiyya district to change the power balance. After that, a group of *fuqahā'*, agreed with the idea of killing al-Mīrzā and issued a *fatwā* to this effect. Al-Mīrzā was brutally assassinated in 1232/1817 after his house had been burnt.[7] This assassination marked a point

[1] al-Wardī, *Lamaḥāt ijtimā'iyya,* Vol.III, p.78.
[2] al-Ṭihrānī, *al-Dharī'a*, Vol. XV, p.104, and Vol. XVIII, p. 45.
[3] Kāshif al-Ghiṭā', *al-'Abaqāt al-'anbariyya,* fol.19.
[4] Hirz al-Dīn, *Ma'ārif al-rijāl,* Vol. II, Qumm, 1985, p.336.
[5] Some of the researchers think that al-Mīrzā Muḥammad al-Akhbārī may have left Iran because of Ja'far Kāshif al-Ghiṭā' (see al-Jābirī, p. 400). But in fact he left this country five years after Kāshif al-Ghiṭā's death; *al-'Abaqāt al-'anbariyya,* fol.43.
[6] *al-'Abaqāt al-'anbariyya,* fol.99.
[7] Hirz al-Dīn, p.336; *al-'Abaqāt al-'anbariyya,* fol.43.

of significant change: the Akhbārī movement withdrew from the public scene.

Al-Najaf became the leading ideological centre after the base of Akhbārī ideology moved far away first to Baḥrayn and then to the southern regions of Iraq and Iran.[1] Fifty years later, the descendants of al-Mīrzā started the struggle again and took the village of al-Mu'minīn in the south of Iraq as a centre for their activities. In the twentieth century, Mīrzā 'Ināyat Allāh (d. 1371/1952) wanted to develop scholarly studies in this village and tried to make them as effective as in al-Najaf. He built a vast mosque, a library and a hospital. The school he had founded gained strength between 1324/1906 and 1345/1926 due to the affluence of students coming from different regions of Iraq.[2] Although the descendants of al-Mīrzā Muḥammad, later known as *Usrat Jamāl al-Dīn*, the nickname of their grandfather, were present and active in Basra, Kuwait and others regions, the Akhbārī movement as such faded. Some only of the direct descendants of al-Mīrzā remained.

The assassination of al-Mīrzā Muḥammad and the relentless pressure from the *mujtahidūn* were countered by the rejection by *Usrat Āl Jamāl al-Dīn* of *ijtihād* and *taqlīd,* unlike the Akhbārīs who settled in Bahrain, where they kept to moderate doctrinal positions.[3]

THE RASHTIYYA MOVEMENT

Kāẓim al-Rashtī (1212-1259/1797-1843), who was a disciple of Shaykh Aḥmad al-Aḥsā'ī (1154-1242/1741-1826), asserted himself in Karbalā' as the leader of a new movement which virtually isolated itself from the

[1] al-Jābirī, p.401.
[2] *Idem,* p.425.
[3] al-Faḍlī, 'Abd al-Hādī, *Fī dhikrā Abī*, fol. 83.

Ithnā'ashariyya by the production of religious texts which could not be accepted by reason alone and needed interpretation and commentary.[1]

Shaykh Aḥmad al-Aḥsā'ī was an Ishrāqī philosopher [2] who, by possessing a different outlook on the study of *ḥadīth*, was able not only to create his own terminology, but to colour his philosophy with implications derived from them.[3] Nevertheless, it seems that he never formulated these views himself, and that they were attributed to him only after his death.[4]

The Rashtiyya, which accepted al-Aḥsā'i's ideas, was revived at the hand of his disciple Kāẓim al-Rashtī, who had created a new kind of ideological conflict with the *fuqahā'* of al-Najaf, which was of a different character from the previous conflict led by the Akhbārīs.

The conflict between this school and the Akhbārīs had been based upon the problem of the legitimacy of *ijtihād,* while in this new one, the opposition was centred on al-Rashtī's excesses in attributing total knowledge to the Imāms, considered as infallible (*ma'ṣūmūn*). The new interpretation deflected received ideas away from original Ithnā'asharism towards Ismā'īlī ideology and Ṣūfī interpetation.[5] The Akhbārī Shaykhiyya group had recourse to Ismā'īlī concepts, introducing them into Ithnā'ashari *ḥadīth* and including them in the major books of tradition, such as *al-Kāfī* and *Biḥār al-anwār.*[6]

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[1]al-Ḥasanī, *al-'Irāq qadīman wa-ḥadīthan* , p.79.

[2]The origins of the Ishrāqī school go back to Shihāb al-Dīn Yaḥyā al-Suhrawardī (killed in Aleppo in 587/1191) who believed that to obtain true wisdom it was necessary to develop both the rational and the intuitive aspects of the mind. See Momen, *An introduction to Shī'ī Islam*, p.113.

[3]*Idem*, p.112.

[4]*al-'Abaqāt al-'anbariyya,* fol.37, and see also al-Shaykhiyya in chapter VI, (School of Qumm).

[5]al-Faḍlī, fol.94.

[6]*Idem,* fol.93.

Under the leadership of Shaykh 'Alī Kāshif al-Ghiṭā' (1197-1253/1783-1837), the *fuqahā'* of al-Najaf had to face a new problem: the necessity of expunging Shaykhiyya thought from Shī'ī circles.

Kāẓim al-Rashtī had openly expressed ideas considered by the *'ulamā'* of al-Najaf as deviating from the Ithnā'ashariyya doctrine, and a *fatwā* was issued against him.[1] Al-Sayyid Ḥamīd al-Qazwīnī (d. 1400/1980) has told us that Mahdī al-Qazwīnī (1222-1300/1807-1883), a *faqīh* and former disciple of 'Alī Kāshif al-Ghiṭā', met Kāẓim al-Rashtī with the intention of investigating and discussing his opinions, trying in vain to get him to renounce his convictions. Mahdī al-Qazwīnī had sought a peaceful solution and he did not agree to issuing the *fatwā*. He thought that putting al-Rashtī to death would generate serious consequences and make a martyr out of him, knowing that "he was blindly obeyed by his disciples, who used to speak about him in the warmest terms".[2] Al-Qazwīnī eventually succeeded in convincing 'Alī Kāshif al-Ghiṭā' of his point of view.[3] Finally, as an answer to those who openly stated their intention of getting rid of al-Rashtī,[4] 'Alī Kāshif al-Ghiṭā' declared, in the presence of al-Rashtī himself and a group of *mujtahids*, that "maintaining people alive in our law is the most glorious mission".[5]

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[1] *al-'Abaqāt*, fol.68.

[2] *al-'Abaqāt al-'anbariyya*, Vol. II, p.73.

[3] We had this interview with the late al-Sayyid Ḥamīd al-Qazwīnī in 1395/1975, at the city of al-Hindiyya (Ṭuwayrij) in Iraq.

[4] Because of his moderate position towards al-Rashtī, Mahdī al-Qazwīnī was accused by some of being a *Kashfī*. His real purpose was to restrain him from succeeding to the religious leadership, which was the object of a brisk rivalry between the greatest *mujtahids*. Concerning this point, Muḥammad Ḥirz al-Dīn stated that shortly before his death, al-Qazwīnī said : "I forgive anyone who showed injustice to me, except anyone who accused me of joining the Kashfiyya "; see *Ma'ārif al-rijāl*, Vol. III, p.113.

Besides, al-Qazwīnī's leadership spread first in the Arab Iraqi circles and became nearly unconditional after al-Anṣārī's death year (1281/1864) when all of the Shī'īs in Iran and Iraq acknowledged him as leader, and his letter about Fiqh, *al-Rīsāla al-'Amaliyya*, entitled *Fulk al-najāt fi aḥkām al-Hudāt*, was published in Tabriz in 1297/1880 and re-published again in 1298/1881.

[5] *al-'Abaqāt*, fol.67.

Ḥasan, the son of Ja'far Kāshif al-Ghiṭā' (1201-1262/1787-1846), was one of the most important *faqīhs* at the time of al-Rashtī. He said that the latter was a believer who had intentionally misled the ordinary Shī'as by his ideas (*muḍill lā ḍāll*), for the purpose of gaining a little of what life could offer him, because he never gave attention to religious studies".[1] He also noted that al-Rashtī's method of preaching consisted in telling people harmful things about their Imāms.[2] He maintained that these methods did not belong to the Shī'ī tradition;"The predecessors, companions of the Imāms and their disciples, the *'ulamā'*, from the period of al-Kulaynī to this day, have left nothing without saying it and relating it to their Imams, blessed is he who follows their steps and refuses anything anomalous and strange".[3] Shaykh Ḥasan is even reported to have chosen a text of al-Rashtī on the subject of the "spirit" and to have commented on it as follows: "I swear I understood nothing", pointing out that his text was merely fashioned of beautiful words, aimed at confusing the readers with hollow and inadequate ideas.[4]

al-Rashtī died in 1259/1843. His departure led to the division of his congregation into more than one movement. Although his son Aḥmad al-Rashtī (killed 1295/1878) became the leader of the Rashtiyya movement, other currents appeared and contributed to its manifold development.

This movement gained strong support, yet the activity of the *usulī faqīhs* stopped the Rashtiyya's expansion, limiting it to some regions of Bahrayn, Kuwait and al-Aḥsā'. The movement recovered a certain authority in Kuwait under its leader Shaykh Ḥasan al-Iḥqāqī al-Askū'ī al-Ḥā'irī (born in 1900).

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[1] *Idem,* fol.65.
[2] *al-'Abaqāt,* fol.67.
[3] *Ibid.*
[4] This text is quoted from *al-'Abaqāt al-'anbariyya,* Vol.II, pp.66-68.

THE *FUQAHĀ'* OF AL-NAJAF

At the beginning of the twelfth/eighteenth century, the family of Kāshif al-Ghiṭā' assumed control of the religious leadership. The sons of Shaykh Ja'far Kāshif al-Ghiṭā' were pre-eminent in science and politics. They had occupied the religious leadership in succession, even though well-known religious leaders competed with them for the leadership.

After the death of Shaykh Ja'far in 1228/1813, his son Mūsā succeeded him in the leadership and about 1232/1816 Mūsā sent his brother, Shaykh Muḥammad, to al-Ḥilla to be the religious leader there.[1]

Mūsā was succeeded in 1241/1826 by his brother 'Alī who sent his brother, Ḥasan, to al-Ḥilla to replace Muḥammad, who had died in 1246/1830.[2] Ḥasan exercised his power as a religious leader in Ḥilla for five years until the death of his brother 'Alī in 1253/1837, after which he was forced to return to al-Najaf to take over the highest leadership post there because of the vacuum that had resulted from the death of his brother.

In the same year, Ḥasan sent his disciple Mahdī al-Qazwīnī[3] to hold the office of the religious leadership there.

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[1]*Ma'ārif al-rijāl,* Vol. II, p.95.

[2]Ḥirz al-Dīn, Vol. II, p. 95.

[3]There is more than one family using the name of al-Qazwīnī but they do not descend from the same origin. Mahdī's family whose Sayyid Aḥmad (d.1199/1784) is the grandfather with the majority of its members living in al-Ḥilla, Ṭuwayrīj, Daghghāra and al-Righala, does not have any family link with al-Qazwīnī who livd in Karbalā', and al-Najaf and Kāẓimiyya .

al-Qazwīnī was born in al-Najaf in 1222/1807. His main teacher was his uncle, Bāqir al-Qazwīnī (d.1247/1831). He was licensed to exercise *ijtihād*by Muḥammad Taqī al-Qazwīnī (d. 1270/1856) when he was eighteen years old. He moved to live in al-Ḥilla and remained there for 40 years. All his four sons became *mujtahids*. The second one, Ṣāliḥ, cultivated the lands in Ṭuwayrīj and other Euphrates regions. al-Qazwīnī and his sons had left their marks on the social and religious life in al-Ḥilla which became the city of poets because of their encouragement of them. Their festivals and mourning rites had become a stage for poets to recite their poetry. Muḥammad 'Alī al-Ya'qūbī has compiled

In al-Ḥilla, there had been no significant social, religious or political achievements during the previous two decades, even though the religious leadership was in the hands of two prominent leaders from the Kāshif al-Ghiṭā' family. This may have been due to the political instability and relations among the tribes, which Dāwūd Bāsha exploited in order to weaken them and prevent them from asserting any power that could jeopardize the central authority of Baghdad.

Although Ḥasan Kāshif al-Ghiṭā' was the principal Marja', Muḥammad Ḥasan al-Najafī, who died in 1267/1850, competed with him for the leadership.[1] The followers of the former were pure Arabs but the followers of the latter were Persians.

al-Najafī became the principal Marja' after the death of Ḥasan Kāshif al-Ghiṭā' but, unfortunately, his leadership did not last long because of his early death.

al-Najafī was succeeded by Murtaḍā al-Anṣārī (1214-1281/1799-1864) who exerted a great influence on the methodology of the science of jurisprudence. He wrote two important books, *al-Makāsib* on *uṣūl* and *al-Rasā'il* on *fiqh*, which have become part of the religious curriculum in Shī'ī religious centres. He also graduated a great number of scholars who took over the religious leadership after his death, and preserved his rational method.

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his *al-Bābiliyyat* in two volumes, listing the biographies of scholars,writers and poets from al-Ḥilla. 'Alī al-Khāqānī also wrote his book *Shu'arā' al-Ḥilla* in five volumes.

[1]al-Najafī was a promint *marja'*. He wrote his *Jawāhir al-aḥkām fī sharḥ sharā'i' al-Islām* which has became an important source of Shī'ī jurisprudence. *Ma'ārif al-rijāl,* Vol. II, p.225.

AL-QAZWĪNĪ IN AL-ḤILLA:

When al-Qazwīnī arrived in al-Ḥilla in 1253/1837, the Iraqi Mamlūks' rule that had begun in 1116/1704 came to an end with the close of Dāwūd Bāshā's rule (1232-1247/1816-1831).

'Alī Riḍā succeeded Dāwūd Bāshā as Governor of Baghdad (1247-1258/1831-1842). He adopted a new policy which differed from the policy of his predecessor, Dāwūd Bāshā, in relation to dealing with Arab tribes.

In the Euphrates region, the Zubaydī tribe, which had emigrated from al-Jazīra in the eighteenth/nineteenth century, was very powerful. It became one of the strongest tribes south of Baghdad.[1]

Dāwūd Bāshā, in accordance with his tribal policy, had provoked and destabilized the Zubayd tribe by fighting them in small factions.[2]

'Alī Riḍā took a different stand towards the tribe from that of Dāwūd Bāshā. This was because he had sensed its power and could manipulate it to support his rule and put an end to his enemies from other tribes who used to stir up trouble.

Consequently, Wādī ibn Shifallaḥ (d.1271/1855), the Zubaydī's chief, became more powerful and his authority had increased greatly after Dāwūd Bāshā was appointed him governor over the Euphrates area representing Baghdādī rule in 1252/1836.'Alī Riḍā in his turn relied on him to punish chiefs of tribes who opposed his rule.[3]

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[1]Von Oppenheim, M., *Die Beduinen,* Vol.3, Wiesbaden, 1952, p. 286.
[2]al-'Azzāwī, 'Abbās, *Tārīkh al-'Irāq bayn Iḥtilālayn,* Baghdad, 1954, Vol. 6, p252.
[3]al-'Aṭiyya, Waddāy, *Tārīkh al-Dīwāniyya*, Najaf, 1954, p.40.

Wādī was authorized by the Governor of Baghdad to farm taxes and in a few years he became a powerful landowner.[1] He continued to exercise his authority and enjoy such power even during the rule of Najīb Bāshā (1258-1265/1842-1848).

In 1253/1837 'Alī Riḍā, with the support of Shaykh Wādī moved to al-Muḥammara and attacked the Ka'b tribe, defeating them and annexing al-Muḥammara to the Ottoman Rule.[2]

When al-Qazwīnī arrived in al-Ḥilla 1253/1837, the city was under the control of Shaykh Wādī, who was then at the height of his power.

It was a miracle that al-Qazwīnī succeeded in converting Shaykh Wādī to the Ithnā'asharī sect.[3] By this move, al-Qazwīnī had a free hand to convert all the members of the Zubaydī tribe to Shī'ism. al-Nūrī estimated the number of the converted to be more than 100,000.[4]

Miss Bell (d. 1927) mentioned in her report merely that the Zubayd tribe turned to Shī'ism around 1830 at the behest of a great *mujtahid* who was in al-Ḥilla and whose descendants still dominate the politics of al-Ḥilla.[5] Unfortunately, the date stated by Miss Bell is incorrect because al-Qazwīnī arrived in al-Ḥilla in 1837.

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[1]Von Oppenheim, p.259.

[2]al-'Azzāwī, Vol.7, p.38.

[3]The story behind the conversion of the Zubayd tribe was related to me by Ḥamīd al-Qazwīnī (1905-1980). It resulted from an unexpected confrontation between al-Qazwīnī and Shaykh Wādī, the Head of the Zubayd tribe, when he arrived with a number of his armed men in al-Ḥilla. On seeing al-Qazwīnī Shaykh Wādī asked him threateningly if he denied the legitimacy of the rule of the first two Caliphs, Abū Bakr and 'Umar. Shaykh Wādī wanted to intimidate al-Qazwīnī. However, al-Qazwīnī's reply was totally unexpected and shocked Wādī because he cursed him. Wādī thought, in the Bedouin way, that behind al-Qazwīnī's challenge lay the truth since al-Qazwīnī was only accompanied by a small number of unarmed followers.

[4]al-Nūrī, al-Mīrzā Ḥusayn, *Mustadrak wasā'il al-Shī'a*, Vol. III, p.400; al-Ūrdubādī, Muḥammad 'Alī, *al-Mathal al-a'lā fī tarjamat Abī Ya'lā*, Beirut, 1993, p.41;al-Qummī, 'Abbās, *al-Kunā wa-l-alqāb*, Vol. III, Najaf, 1969, p. 62.

[5]Great Britain, India Office, *Review of Civic Administration of Mesopotamia*, written by Bell, Gertrude, London, 1920, 27.

She pointed out, however, that tribes who lived far from Shī'ī holy shrines did not come under the persuasive influence of those holy places and therefore would not experience the zeal of the Shī'ī preachers in Mesopotamia.[1]

Al-Ḥilla recovered its historical lustre within less than two decades after al-Qazwīnī's arrival. It also gave Iraq its most brilliant poets and writers. al-Qazwīnī wanted al-Ḥilla to recover the past grandeur it had acquired under al-'Allāma al-Ḥillī, a wish that earned al-Qazwīnī the appellation of *al-'Allāma al-Thānī*, the Second 'Allāma. He was also called Mu'izz al-Dīn because of the conversion of Zubayd tribes at his hand.[2]

al-Qazwīnī spent most his life in al-Ḥilla. He left the city for good to move to al-Najaf in 1292 because the number of his followers had increased immensely.[3] He left Ja'far, his eldest son, who died in his father's life time in 1298/1881, to run the social and religious affairs in al-Ḥilla on his behalf.[4]

Muḥammad 'Alī al-Ya'qūbī (d. 1385/1965) alleges, rather implausibly, that al-Qazwīnī left for al-Najaf because of the great number of pilgrims from abroad coming to visit him, mainly from Iran, and because no proper accommodation could be found for them in al-Ḥilla.[5]

The real reason behind his departure from al-Ḥilla might have been the increase in his scholarly role, and a base in al-Najaf would have enabled him to exercise a greater influence through his studies of rational *fiqh*. He wrote

[1] Some writers who commented on the conversion of the Iraqi tribes to Shī'īsm have not been able to identify al-Qazwīnī as the Mujtahid who managed to convert the Zubayd tribe to Shī'īsm. It is also remarkable that they failed to identify the exact reasons for the conversion of these tribes to Shī'īsm, although some of them made some suggestions. See Nakash, Yitzhak, *The Shi'is of Iraq*, New Jersey, 1994, pp. 25-48.

[2] al-Iṣfahānī, Muḥammad Mahdī, *Aḥsan al-wadī'a fī tarājim mashāhīr Mujtahidī al-Shī'a,* Najaf, 1962, p.68.

[3] Ḥirz l-Dīn, Vol. 3, p.110.

[4] al-Ya'qūbī, Vol. 1, p.123.

[5] al-Ya'qūbī, *al-Bābiliyyat*, Vol. 2, p.127.

Baṣā'ir al-mujtahidīn fī sharḥ tabṣirat al-muta'alimīn, summarising his lectures and dedicated to his disciples, and advanced manual *Baḥth al-Khārij*, which still remains unpublished. A second reason might have been to fill a vacuum in the religious leadership in al-Najaf after the departure of al-Shīrāzī in 1291/1874.

AL-SHĪRĀZĪ IN SĀMARRĀ'

After the death of Shaykh Murtaḍā al-Anṣārī, two of his disciples, Ḥusayn Kuhkumrī (d. 1299/1882) and Mīrzā Muḥammad Ḥasan al-Shīrāzī (d. 1312/1894) assumed the religious leadership in al-Najaf. The majority of Kuhkumrī's followers were Turkish while al-Shīrāzī's followers were Persians. These two scholars were the main teachers from a group of disciples who graduated at the hands of Shaykh Ḥasan Kāshif al-Ghiṭā', Muḥammad Ḥasan al-Najafī and Murtaḍā al-Anṣārī.[1]

The difference between Kuhkumrī and al-Shīrāzī is that the former restricted himself to teaching whereas the latter began to exercise both the religious and the political leadership.

Two accidents had strengthened al-Shīrāzī's position:

The first was the visit of Shāh Naṣīr al-Dīn to Iraq in 1287/1870 and the refusal of al-Shīrāzī to receive him when he arrived in al-Najaf, as other *'ulamā's* had done on the grounds that he was a *darwīsh*. The Shāh sent for him in the hope meeting him. For the sake of etiquette the two eventually had a meeting in the holy Shrine of Imām 'Alī. This behaviour set a precedent for other *marja's* in dealing with leaders and kings in future. Al-Shīrāzī was well-known for his popular saying express the relationship of rulers with

[1]Ḥirz l-Dīn, Vol. 1, p.364.

'ulamā': "If you see scholars at the gates of the kings say what wicked and scholars these kings are and if you see kings at the gate of scholars say :how excellent the scholars and the kings are!".[1]

The second event was the famine of al-Najaf in 1288/1871 and al-Shīrāzī's effort to relieve the suffering of the people by distributing food provisions to them.

Three major events took place in 1291/1874:

a-Mīrzā al-Shīrāzī's departure from his domicile (al-Najaf) to Sāmarrā'.

b-Kuhkumrī became paralysed and lost his ability to teach.[2]

c-The return of Mahdī al-Qazwīnī, a few months after the departure of al-Shīrāzī for Sāmarrā',[3] to al-Najaf after he had spent almost forty years in al-Ḥilla.

The reasons for the departure of al-Shīrāzī to Sāmarrā', remain controversial. Some historians claim that he left al-Najaf in an attempt to escape from the religious leadership.[4] Others stress that his departure was influenced by the problems in al-Najaf which were the results of the continuous fighting between the al-Zuqurt and al-Shumurt factions, which made the city unsafe to dwell in.[5]

'Alī al-Wardī, the Iraqi sociologist, believes that al-Shīrāzī's purpose in leaving for Sāmarrā' was to convert its local citizens to Shī'ism in the same manner that the tribes of the Euphrates region were converted to it.[6] Plausible

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[1] al-Ṭahrānī, Vol.I, p. 439.
[2] a-Ṭahrānī, Vol.I, p. 422.
[3] al-Ya'qūbī, *al-Bābiliyyāt*, Vol., 2, p.127.
[4] al-Ṭahrānī, Vol.I, p. 421.
[5] [5]al-Amīn, *A'yān al-Shī'a,* Vol.V, p.306.
[6] al-Wardī, Vol., p.89.

as this may sound, it seems unlikely since he met no opposition from the local population.

Sayyid Ḥasan al-Ṣadr, who was a prominent disciple of al-Shīrāzī, stated that the reason behind the departure of his teacher was the pressure put on him by some of the heads of the city who began sending to him a great number of the city men with the requast that he relieve their sons from military service against payment of a financial with amounting to 100 Ottoman gold Lire, after he had supported them in the famine of 1288/1871. Al-Shīrāzī, thought that there could be no better solution to escape the situation than by leaving al-Najaf.[1]

al-Shīrāzī, in spite of all these explanations, all of them which may have lain behind his departure, arrived in Sāmarrā', at the age of sixty. Sāmarrā', itself is considered one of the most sacred cities of the Shī'īs because it contains the shrines of the tenth Imām, 'Alī al-Hādī (214-254/829-868) and the eleventh Imām, al-Ḥasan al-'Askarī (232-260/847-874).

Later al-Shīrāzī was followed by his disciples. He built houses to accommodate them[2] and a big school with 75 classes which was considered one of the largest schools in Iraq. He provided furnished accommodation for more than 200 disciples who studied religion. Moreover, he assigned a monthly salary to each of them according to his needs.[3]

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[1] al-Maḥalātī, Dhabīḥ Allāh, *Ma'āthir al-kūbarā' fi Tārīkh Sāmarrā'*, Najaf, 1949, Vol.2, p.52.

[2] Ḥirz al-Dīn, Vol. 2, p.234.

[3] The school was extended. The houses around it were bought and annexed to it in 1297/1880. After the death of al-Shīrāzī most of the students left for al-Najaf, where the Marja' lived. In the First World War in 1914, the Turks used the school as a medical centre for the treatment of the wounded who fell during the war with the British. In 1346/1928 Sayyid Abū al-Ḥasan had the school furnished and in 1376/1956 Sayyid Ḥusayn al-Burujurdī did the same. The School had the name of al-Imām al-Shīrāzī. Sāmarrā' did not witness any sectarian riot until 1991 when most of Shī'ī cities rose up against the Iraqi regime after its army was defeated by the Alliance. The school was destroyed and its precious library was set on fire and a great number of manuscripts were lost. In Sāmarrā' itself there was no Shī'ī opposition to the regime. See al-Maḥalātī Vol. 2, p.54.

In 1299/1877, al-Shīrāzī built a bridge over the Tigris river. He spent around 10,000 Ottoman gold Lire on it.[1] He also built a large market in the city and the costs were borne by some wealthy Shī'ī Indians.[2]

al-Shīrāzī remained in Sāmarrā about two decades. The culture and literary life flourished remarkably. The city, which had been almost deserted, became populated. It attracted numerous literary figures, such as Ḥaydar al-Ḥillī (d. 1304/1886) who praising in their poems al-Shīrāzī, who would reward them generously.[3]

The local citizens of the city, who were from Sunnī tribes, lived in harmony with the new comers. The city did not witness any sectarian riot before the Tobacco Movement which was led by al-Shīrāzī against foreign interests in Iran.

al-Shīrāzī's care and attention to the local inhabitants enabled them to accept the new society. He gave them money generously and he also met their needs. A historian who wrote about that era stated that al-Shīrāzī would have clothes and food collected and have them distributed twice a year to the inhabitants of the rural areas and to those who lived at the vicinity of Sāmarrā'.[4]

al-Wardī believes that Shī'ī rituals such as the commemoration of the death of al-Imām al-Ḥusayn, which were performed in the city, began to

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[1]It was the first bridge built in Sāmarrā'. It was completely destroyed by the flood of the Tigris in 1323/1907. See:al-Sāmarrā'ī, Yūnis, *Tārīkh madinat Sāmarrā'*, Baghdad, 1971, p.223.

[2]al-Ṭahrānī, Vol.1, p.440.

[3]Ḥirz al-Dīn, Vol.2, p. 235. al-Shīrāzī was called *al-mujaddid* (the restorer) because of his educational achievements and the popularity of his *marja'iyya* and the graduation of very well-known *fuqahā'* from his teaching circles. Shaykh Muḥammad Ḥusayn Kāshif al-Ghiṭā' stated that al-Shīrāzī was the first scholar to be called *ḥujjat al-Islām*. This title was not known in Iraq before. See al-Ḥillī, Ja'far, *Siḥr Bābil wa saja' al-Balābil*, Beirut, 1988, p.216, commented by Muḥammad Ḥusayn Kāshif al-Ghiṭā'.

[4]Ḥirz al-Dīn, Vol.2, p.234.

influence members of the tribes who attended them and in turn they gradually began adopting Shī'ism.[1]

After the Tobacco Movement in 1309/1891 against the agreement which was signed between Shāh Naṣir al-Dīn on one side and the Persian Tobacco Monopoly Company of Great Britain on the other, al-Shīrāzī issued his *fatwā* prohibiting the Iranians from smoking the products of this company.

The *fatwā* forced Shāh Naṣir al-Dīn to abolish the agreement which he had signed with the company and to bear the resulting huge loses.

al-Shīrāzī's *fatwā* had achieved its aim in the political struggle between the Faqīh and the Shāh and as a result the power, the position, and the reputation of the former had increased and raised the Faqīh from the level of one who is simply involved in teaching to that of one who is influential in political affairs, which are part of his religious duty.

In the middle of these events Ḥasan Bāshā, the Governor of Baghdad (1309-1314/1891-1896), began to realise the increasing power of al-Shīrāzī and sought to curb it. He instructed Shaykh Muḥammad Sa'īd al-Naqshabandī (d. 1339/1920), a Sunnī scholar, to go to Sāmarrā' in 1309/1891 to hold teaching and guidance circles,[2]in accordance with the Sunnī tenets,in order to fortify the local Sunnī citizens and encourage them not to fall victims to Shī'ī political power, which was now mounting, by creating an atmosphere of strong sectarian confrontation which would suppress or at least curb the Shī'ī political victory.

By the same token, Sulṭān 'Abd al Ḥamīd the Second issued his orders for a Sunnī religious school to be built similar to the Shī'ī one founded by al-Shīrāzī. The work for building this school began in 1314/1896, two years

[1]alWardī, Vol.3, p.90.
[2]al-Sāmarrā'ī, Yunis, *Tārīkh 'ulamā' Sāmarrā'*, Baghdad, 1966, p.21.

after the death of al-Shīrāzī. The work was completed in 1316/1898.[1] Ḥasan Bāshā had succeeded in his plan to mobilise and incite the local citizens of Sāmarrā' against the presence of large number of Iranians in the city. Within about eighteen months, he managed to create a hostile atmosphere in the city with the aim of curbing al-Shīrāzī's power and destroying him by confrontation.

In 1311/1893 the local Sunnī citizens of Sāmarrā' attacked the Shī'īs in their homes and in their public places and there were many casualties. It was said that al-Shīrāzī's nephew was among those who were killed.[2]

After these emotional incidents, al-Shīrāzī died in 24 Sha'bān 1312 (20 February 1895) at the age of eighty. He was succeeded by his son Mīrzā 'Alī Aghā who was as generous as his father.

Some of al-Shīrāzī's disciples remained in Sāmarrā'. The most prominent of these was Shaykh Muḥammad Taqī al-Shīrāzī (1256-1338/1840-1920).

The city did not witness any sectarian violence during the last years of al-Shīrāzī.[3] Muhammad Taqī al-Shīrāzī' role increased during the British

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[1]al-Sāmarrā'ī, p.23.

[2]al-Sāmarrā'ī, Vol.2, p.177. Ḥirz al-Dīn (1273-1365/1857-1946), the historian who lived at that period, stated that Ḥasan Bāshā encouraged some local Sunnī fundamentalists to attack the Shī'ī in the city. When the sectarian riot was ignited, it spread to Baghdad and other cities in Iraq. Ḥasan Bāshā declined to listen to the complaints of the *'ulamā'* and their students in Sāmarrā'. He refused to inform the Sulṭān 'Abd al Ḥamīd about the incidents. When the news reached the Sulṭān, he took severe measures to root out corruption and punish those who were behind it. Peace was restored harshly to the city and people felt safe. Ḥirz al-Dīn, Vol. 2, p.236, 301.

[3]'Alī al-Wardī commented on the sectarian riot in Sāmarrā' and about the Tobacco Movement. Unfortunately he failed to place the two incidents in their chronological order. He thought that the sectarian riot was before the Tobacco Movement. The dates of the events stress that no sectarian riot took place in Sāmarrā' before the Tobacco Movement.

I believe, therefore, that al-Shīrāzī' did not come to Sāmarrā' to convert local citizens to Shī'ism as al-Wardī has claimed. If his immigration was for that purpose he would have achieved it during the early years his arrival because he did not face any opposition from the local Sunnī citizens.

The absence of historical reference to the conversion of any of the local citizens of Sāmarrā' to Shī'ism may be attributed to the rejection by these citizens of any response to

invasion of Sāmarrā' at the end of the First World War in 1914. He became the spiritual leader for the Iraqi tribes in 1920 and his *fatwā* against the British presence, after his departure to Karbalā', was a factor among others behind the 1920 revolution.

al-Shīrāzī's other students emmigrated to al-Najaf again in 1314/1896 and two of them, Shaykh Muḥammad Kaẓim al-Khūrāsānī (1255-1329/1839-1911) and Sayyid Muḥammad Kaẓim al-Yazdī (1247-1337/1831-1919) became religious leaders in spite of the presence of Shaykh Ḥasan al-Māmaqānī (1238-1320/1823-1902), Shaykh Muḥammad Ṭāhā Najaf (1241-1323/1826-1905) and Mīrzā Ḥusayn al-Khalīlī (1236-1326/ 1821-1908), who were prominent religious scholars.

al-Khūrasānī and al-Yazdī played distinguished scholarly roles in the study of *uṣūl* and *fiqh*. They also played a political role which culminated in the Constitutional Movement.

THE TOBACCO *FATWĀ*

In the time of Shāh Nāṣir al-Dīn al-Qājārī (1265-1314/1848-1896), Iran experienced bad economic and political conditions, resulting in a clash between the state, which was confronted with growing criticism, and the religious institution, which was gaining more and more influence.

The religious opposition led by the *fuqahā'* exploited the agreement between Shāh Nāṣir al-Dīn and the Persian Tobacco Monopoly Company of Great Britain , which allowed the latter in 1308/1890 to have the monopoly of Iranian tobacco for fifty years, for a payment of £15,000 and 25 percent of the

any one not from their tribes and not having the same racial roots. See: al-Wardī, Vol.3, p. 89.

annual profit. The harvest was bought cheaply and was sold at high prices after being processed. This policy set the farmers against the company, and they attacked its interests in Iran.[1]

These incidents developed into a full-scale popular revolution in 1309/1891, which was openly supported by some *faqīhs,* who knew that the only way to obtain the annulment of the agreement was to ask for the support of the high *marja'* of the Shi'ites. As soon as the *fuqahā'* exposed the situation to al-Shīrāzī, he sent a letter to the Shāh warning him against keeping to the terms of the agreement. A year later, in 1310/1892, seeing that Shāh Nāṣir al-Dīn disregarded his injunction, al-Shīrāzī issued a *fatwā* prohibiting the consumption of tobacco: "(From) now on, smoking (tobacco) is sinful, it is like a war waged against the *Imām al-zamān*".[2]

This *fatwā* attracted great attention from Persian society. The Persian government tried to minimise its influence but failed. The *fatwā* was issued at a time when Shāh Nāṣir al-Dīn's policy was facing other difficult complications. People refrained from smoking for more than two months, abiding by the *fatwā* . This had forced the Shāh to abandon the agreement because he feared serious consequences.[3]

The Shāh had to pay the British company heavy compensation, which he borrowed from the British Bank in Tehran, marking the first serious Iranian international public debt. However, the Shāh claimed that he was really

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[1]Browne, Edward G., *The Persian Revolution of 1905-1909*, London, 1966, p.22; see also Browne, "The Tobacco Rebellion and Hajj Mirza Hasan Shirazi", in *Expectation of the Millennium; Shi'ism in History,* New York, 1989, p.302; Huwaydī, *Irān min al-dākhil,* Beirut, 1981, p.63.

[2]See *The Tobacco Régie:Prelude to Revolution*, in Lambton, Ann, *Qajar Persia,* London, 1987, pp.249-251. This chapter was previously published in *Studia Islamica,* 1965, Vol, XXIII, pp.119-157. Some researchers maintained that the *fatwā* was first isuued by al-Mīrzā Ḥasan al-Ashtiyānī and then attributed by him to al-Shīrāzī. See Lambton, p.249. Browne, *The Persian Revolution*, p.22.

[3]al-Wardī, Vol.III, p.95.

happy at abandoning the tobacco agreement and praised al-Shīrāzī for his *fatwā,* which revived the Qājārī State.[1]

Yet this episode underlined the importance of the Shī'ī jurists and emphasized their strength and influence, an influence that could allow a *faqīh* from Sāmarrā'-in Iraq- to influence the policy of the Shāh of Iran (who was to be assassinated in 1314/1896), obliging him to withdraw one of his decisions, by means of seven small words.[2]

This was the first victory of a popular movement in the history of Iran, and even in the history of the modern Muslim world. It also marked the start of the Constitutional Movement in Iran.

But the conflict coincided with two foreign states, Great Britain and Russia, seeking to bring Iran under their control. When the Russians backed Iran against the British, it was for no other reason than to extend their own influence. The breach of the Tobacco Agreement had an effect on British authority not only in Iran but also in India, Afghanistan and Iraq. It also gave more credit to Russia and reinforced her influence in the Near East.[3]

A few years later, Great Britain played the same role by encouraging the *Mashrūṭa* (conditional) Constitutional Movement, which was also supported by the *'ulamā'*, thus seeking revenge upon Russia in an attempt to undermine her influence and interests in Iran.[4]

[1]See Keddie, Nikki, *Religion and Rebellion in Iran, The Tobacco protest of 1891-1892*, London, 1966, pp.123-27. Concerning the compensation and the Iranian international debt, see Lambton, *Qajar Persia*, pp.260-76.

[2]Huwaydī, p.95.

[3]al-Dujaylī, Ḥasan, *al-'Ilāqāt al-Īrāniyya al-'Irāqiyya,* Beirut, 1987, p.141.

[4]al-Wardī, Vol.III, p.107.

THE FOUNDATION OF *AL-ḤARAKA AL-DUSTŪRIYYA* (THE CONSTITUTIONAL MOVEMENT)

The emigration of al-Shīrāzī to Sāmarrā' did not change the position of al-Najaf as a religious and scholarly centre.[1] The city kept its students and schools, but Sāmarrā' attracted attention with the merit of al-Shirāzī's efforts and his firm opposition to the Qājārī state. So when the last disciples of al-Shīrāzī left for al-Najaf, Sāmarrā' lost much of its prestige, whilst al-Najaf was turning into an international cultural pole where students assembled from India, Iran, Afghanistan, Syria and Lebanon. They were nearly 12,000 on the eve of the British occupation.[2]

Together with Muḥammad Kāẓim al-Yazdī (1247-1337/1831-1919), Muḥammad Kāẓim al-Khurāsānī assumed the religious leadership in al-Najaf, while al-Mīrzā Muḥammad Taqī al-Shīrāzī stayed in Sāmarrā'. After al-Shīrāzī's departure, the Shī'ī presence began to wane in the city, due to the hostile attitudes of the Sunnī tribes. Most of the Shī'īs left Samarrā', fearing mounting violence.

The jurists resident in al-Najaf began to become involved in political affairs, especially with the advent of the Constitutional Movement (*al-Ḥaraka al-Dustūriyya*), which took place in Iran in 1323/1905 under the leadership of the *fuqahā'* of al-Najaf. Although it began in Iran, the Constitutional Movement quickly extended to Iraq and involved third powers, with effects across the Islamic world.

In 1324/1906, a committee was established to draft the Iranian Constitution, which was ratified by Shāh Muẓaffar al-Dīn (1314-1325/1897-1907), in 1325/1907. Al-Wardī underlines the fact that a great part of the content of that text was a literal translation of the 1246/1830 text of the

[1] *A'yān al-Shī'a,* Vol. V, p.306.
[2] al-Wardī, *Idem*, p.108.

Belgian constitution. It rested upon the principles of democracy widespread in Europe, proceeding from natural law and human rights, but the committee insisted upon making it consistent with the Islamic *Sharī'a* by adding appropriate sections to clarify this.[1]

Hibat al-Dīn al-Shahrastānī (d.1387/1967) reports that the Iranian religious leaders were the pioneers of the idea of creating an assembly *(majlis)*, which served as a pillar for Shāh Muẓaffar al-Dīn's reign and whose decisions were executed by the '*Ayn al-dawla* (the Prime Minister). The idea of a *majlis* has been defended on the ground that it led to better justice and to a system which constrained executive power. Two *mujtahids* led the movement: 'Abd Allāh al-Bahbahānī (d. 1328/1910) and Muḥammad al-Ṭabāṭabā'ī.[2]

When the question of a *majlis* was established and agreed, Shāh Muẓaffar al-Dīn and his government feared "public opinion,which began exposing the crimes of the Qājārī government and its injustices".[3]

The role of the *'ulamā'* was decisive to the Dustūrī revolution. Yet the role of educated people in the Qājārī government was also important, if not more effective. Some researchers said that the *'ulamā'* were driven to revolution by educated officials and by the pressures of local merchants who were losing most of their benefits because of the Shāh's policy of allowing the commercial interests of foreign countries to prevail on the domestic market.[4]

When Muẓaffar al-Dīn was in control of the Iranian government, the Russian Empire lent Iran large sums of money.[5] The most significant loan was contracted in 1318/1900, and Iran came under the economic control of Russia. Russia was ahead of Britain in its financial liabilities towards Iran.

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[1] al-Wardī, Vol. III, p.103.
[2] al-Khāqānī, *Shu'arā' al-Gharī,* Vol. X, p.81.
[3] *Idem*, p.82.
[4] Rasūl, "al-Dīn wa-l-Dawla", *Minbar al-Ḥiwār,* p.60.
[5] al-Wardī, Vol. III, p.106.

Russia accordingly had a good chance to expand its influence, which began to became stronger and penetrated most Iranian regions.[1] The trading privileges which were granted to the Russians had led to the disappointment of the bazaar and local traders,[2] who constituted an important and influential sector in Iranian society. Their opposition found expression in a general strike that paralysed the whole Iranian economy, and was reinforced by the bazaar's special relation with the religious leaders.[3]

Artisans in Iran also constituted a powerful lobby which was opposed to the foreign policy of the Shāh. The Tobacco Rebellion had effectively been the consequence of co-operation between the merchants, the artisans and the *'ulamā'*. The Dustūrī revolution was due to a similar alignment, and Qājārī power found itself short of any serious popular support and legitimacy.[4]

When Muẓaffar al-Dīn died in 1325/1907 his son Muḥammad 'Alī (1325-1327/1907-1909) took his place and started to conspire against the Majlis and the Dustūrī movement.[5] The period in which he governed posed a threat to the movement, at a time when deep divisions were appearing amongst the *'ulamā'*. The Russians thought that the acceptance of the constitution was a British victory. They also thought that the Shāh, whose own conviction converged with that of the Russian Tsar, was losing his authority and suggested that he attack the movement.

As for the British, who correctly assessed Russian influence over the Shāh and foresaw the attack on the movement at a time when the Mashrūṭa decreased Russian influence in Iran, they sought to control the movement by infiltrating it with agents who could protect their own interests.[6]

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[1]al-Dujaylī, p.146.
[2]al-Wardī, Vol. III, p.106.
[3]*Idem*, p.107.
[4]Rasūl, p.60.
[5]al-Wardī, Vol. III, p.113.
[6]*Ibid.*

Shāh Muḥammad 'Alī spent a lot of money to get rid of the movement. He pretended that the constitution was contrary to the *Sharī'a* and gained the support of one of the *'ulamā'*, Shaykh Faḍl al-Dīn al-Nūrī (assassinated in 1327/1909), who was a member of the Constitutional Movement before defecting to the Shāh.[1]

The *'ulamā'* of al-Najaf championed the Dustūrī movement and tried to help the Iranian *fuqahā'* by dealing directly with the Shāh, in an attempt to make him responsive to the demands of the people.[2] Among the leaders who backed the movement were Muḥammad Kāẓim al-Khurāsānī (1329/1911), Mīrzā Ḥusayn al-Mīrzā Khalīl (1236-1326/1821-1908), Muḥammad Kāẓim al-Yazdī (1337/1919) and 'Abd Allāh al-Māzandarānī (1256-1330/1840-1912). The group was led by al-Khurāsānī, who became its official leader.[3] Having seen in the Mashruṭa a good occasion to limit the abusive power of the government and to build a better balance, it declared the laws of the Majlis to be "holy and respectable laws, submission to them being a duty for each and every one in Iran"; and "opposition to the legislative Majlis to be an opposition to the rules of Islām".[4]

al-Khurāsānī considered the Majlis as an ideal means to eradicate despotism and to develop laws in support of Ithnā'asharī doctrine. When the opposition between Shāh Muḥammad 'Alī and the partisans of the Mashrūṭa escalated, al-Khurāsānī wrote a violent letter to the Shāh in which he accused him of deviance and treason: "If there should to be any delay [in implementing the consitution] we shall all go to Iran to proclaim *jihād* against you, as we swore to do".[5]

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[1]*Idem.*, p.114.

[2]c.

[3]Momen, M., "Authority and opposition in Twelver Shī'ism", in Burrel, R.M (ed) *Islamic Fundamentalism*, London, 1989, p.53.

[4]Martin,Vanessa, *Islam and Modernism, The Iranian Revolution of 1906,* London 1989, p.123.

[5]Muḥammad 'Alī, Abd al-Raḥīm, *al-Imām al-Khurāsānī,* Najaf, 1970, p.72.

This coincided with Great Britain's feeling that the opposition between the Shāh and the movement could have unexpected complications that would threaten her interests in Iran, so she tried to reconcile them and veered towards a new policy which aimed at containing the Revolution whilst undermining Russian influence.[1]

The course of events divided the religious community in al-Najaf in two: those who followed al-Khurāsānī and those who chose Muḥammad Kāẓim al-Yazdī. The divisions appeared violently in 1325/1906. The supporters of al-Khurāsānī (it was these who led the planning for the community) used to meet in secret. Their panel was called *Hay'at al-'ulamā'* and was composed of 33 members, representing in its majority the great *mujtahids* and some influential persons of al-Najaf.[2]

Hibat al-Dīn al-Shahrastānī, who was one of the representatives of the Mashrūṭa in Iraq, relates that an agreement was concluded between the Ottomans and the Iranian state against the Dustūrī movement in Iraq. He also says that the British government tried to influence the movement directly.[3] And the Russians opened a consulate in al-Najaf in the year 1326/1908 which succeeded in separating al-Yazdī from al-Khurāsānī, with the help of some of the disciples of al-Yazdī who were loyal to them.[4]

A contemporary historian relates that the religious authorities openly supported the constitution. They wanted to settle for real justice, but some of the followers of both sides worked with Russia or Great Britain to increase divisions by giving a false representation of the real positions of the two

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[1]al-Wardī, Vol.III, p.107..
[2]al-Khāqānī, *Shu'arā' al-Gharī,* Vol.X, p.88.
[3]See *Mudhakkarāt al-Shahrastānī,* in *Shu'arā' al-Gharī,* Vol. X, p.81.
[4]al-Khāqānī, p.86.

authorities[1] in a move which was directed at enhancing, by divide-and- rule, their own interests.

al-Yazdī and his group were weakened when the Turkish members of the Dustūrī movement removed Sulṭān 'Abd al-Ḥamīd in 27th April 1909 and replaced him with Sulṭān Muḥammad Rashād.[2] This was an occasion for "convergence between the liberals in Turkey and in al-Najaf, where the power of al-Yazdī and his group had faded".[3]

The political authority of the Constitutionalists was getting stronger in Iran and Iraq when Shāh Muḥammad 'Alī declared martial law in 1326/1908 and violently opposed the Constitutionalists in the whole country.[4] The partisans of the Mashrūṭa reacted by taking over many important Iranian cities. Troubles grew until the Bakhtiyārī tribes took control of Teheran in 1327/1909 and deposed Muḥammad 'Alī, who fled to the Russian embassy and proclaimed his son Aḥmad, who was twelve years old, his successor.[5]

al-Yazdī's position towards the national movement, which was hostile to the British,was rather lukewarm and discouraging for the nationalists,[6] while the other *mujtahid,* Muḥammad Taqī al-Shīrāzī, opposed the British and encouraged the nationalists and their supporters to resist British influence and fight them. This had made him more influential until he assumed the leadership after the death of al-Yazdī in 1337/1919.[7]

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[1]Hirz al-Dīn, *Ma'ārif al-rijāl,* Vol. I, p.278.

[2]*Mudhakkarāt al-Sulṭān 'Abd al-Ḥamīd*, translated and edited by Muḥammad Ḥarb, Damascus, 1991, p. 58; Muḥammad 'Alī, Ūrkhān, *al-Sulṭān 'Abd al-Ḥamīd al-Thānī*, Kuwait, 1986, 346. Sulṭān 'Abd al-Ḥamīd died in 10 February 1918.

[3]al-Khāqānī, *Shu'arā' al-Gharī*, Vol.X, p.86.

[4]For the role of *'ulamā'* in the Constitution Movement see Abdole Karim Lahidji, "Constitutionalism and clerical authority", in Arjomand, S.A.(ed), *Authority and political culture in Shi'ism,* New York, 1988, p .134.

[5]Shāh Aḥmad left Iran for Europe in 1923 and died in 1930; see Sykes, Sir Percy, *History of Persia,* London, 1963, p.546.

[6]al-Asadī, p.68.

[7]*Idem,* p.69.

The religious institution remained influential among the Iranians, and Riḍā, the Minister of Defence, exploited it to get rid of the Qājārī authority. He reached an agreement with the *mujtahids* on power sharing with them. The two sides met in al-Najaf in 1344/1925 and the 'Ulamā', namely Muḥammad Ḥusayn al-Nā'īnī, Abū al-Ḥasan al-Iṣfahānī, Jawād al-Jawāhirī, Muḥammad 'Alī Baḥr al-'Ulūm and Mahdī b. Shaykh Kāẓim al-Khurāsānī, laid down two conditions. First, Riḍā should be Sulṭān only after establishing a council supervised by five of the *mujtahids*; second, the official doctrine of Iran would be Ithnā'asharī.[1]

In spite of his promise, when he became Shāh in 1925, Riḍā did not fulfil it once the Pahlawī dynasty replaced the Qājārs. The new constitution was similar to the former, except for some supplementary amendments related to the privileges of the ruling family. The new Shāh set up a centralized regime that relied upon the army, which was instructed to maintain order and use force to eliminate the opposition.[2]

The success of the Dustūrī revolution albeit limited was the beginning of the end for the Qājārī authorities, who introduced, in the mid-twenties, a more modern regime which was better suited to dealing with international change. Even though the religious community had an important role in setting up the regime, its influence as the first authority in the country disappeared. The new power, based on a house of deputies and a constitution, did not actually need religious legitimacy, and the religious institution withdrew into isolation.

During his reign (1344-1360/1925-1941), Riḍā Shāh adopted a modernist policy in Iran, drawing his inspiration from Muṣṭafā Kamāl in Turkey. He

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[1]Hirz al-Dīn, Vol.I, p.49.

[2]Salmān, 'Abd al-Hādī, *Īrān fī sanawāt al-ḥarb al-'ālamiyya al-thāniya,* Baṣra, 1986, p.21.

started an intellectual and cultural movement designed to promote the historical image of Iran before Islam and to diminish the influence of the *'ulamā'*.

In 1353/1934 the name of Persia was changed to Iran. At the beginning of the World War II, Iranian territory was occupied by Allied troops, and the Shāh was obliged of abdicate in favour of his son Muḥammad, on the 16th September 1941. He went to the small island of Mauritius to the east of Madagascar, where the British put him under close surveillance. In spring of the year 1942 Riḍā Shāh was moved to Johannesburg in South Africa. He died there on 26th July 1944 at the age of 66.[1]

As for his son Muḥammad Riḍā Shāh, he carried on with repressing the religious institution, until eventually the *fuqahā'* succeeded in 1399/1979 in deposing him, and proclaiming an Islamic Republic in Iran. Under Imām Rūḥ Allāh al-Mūsawī al-Khumaynī (1320-1410/1902-1989), the religious institution reclaimed its authority and transformed it into the "rule of the jurist" over the Iranian state.

THE INTELLECTUAL CONTRIBUTIONS OF THE SCHOOL OF AL-NAJAF (FIRST PHASE)

During this first phase (from the beginning of the thirteenth/nineteenth century to the middle of the fourteenth/twentieth century), the direction of research into the fields of *fiqh* and *uṣūl* was greatly developed and expanded as a new kind of writing appeared, which was based upon the explanation of the classical *fiqh* books. Some of these works were compiled into exhaustive encyclopedias, two of the most important being *al-Khiyārāt* (Tehran, 1900),

[1] Glassè, Cyril, *The Concise Encyclopaedia of Islam*, London, 1989, p.307; Upton, J., *The History of Modern Iran: an interpretation*, Harvard, 1961, p.81; Wilber, D., *Iran past and present,* New Jersey, 1967, p.206.

by 'Alī Kāshif al-Ghiṭā' (d. 1253/1837), which was a commentary on *al-Lum'a al-Dimashqiyya*; and *Anwār al-faqāha*, by Shaykh Ḥasan Kāshif al-Ghiṭā' (d. 1262/1846).

Another comprehensive work, *Jawāhir al-kalām fī sharḥ sharā'i' al-Islām*, by the Shaykh Muḥammad Ḥasan al-Najafī (d. 1267/1851), was an explanation of *Sharā'i' al-Islām* by al-Muḥaqqiq al-Ḥillī. It covered all the branches of *fiqh*, and included previously unattested cases.[1]

Another kind of approach to *fiqh* and *uṣūl* was developed in this period too, namely by means of the aforementioned *taqrīrāt*. This can be subdivided into two stages:

1-When the course is over, the best students repeat and explain the "outer lectures", *baḥth al-khārij* [2](high *fiqh* studies, considered as the upper degree toward *ijtihād*) of the master, to the rest of their colleagues; thus Mulla Muḥammad al-Sharābayānī (d. 1322/1904) used to repeat his master Sayyid Ḥusayn al-Turk al-Tabrīzī's (d. 1299/1882) lectures, and was known as *al-Mulla al-muqarrir* (the repeating Mulla).

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[1] al-Muẓaffar, *Muqaddima 'alā Jawāhir al-kalām*, Vol.I, p.14.

[2] Education in the Shī'ī centers is divided into three stages:

A-*Marḥalat al-Muqaddimāt* (the preliminary level). At this level the emphasis is on obtaining a good grasp of Arabic grammar, *Balāgha* (Rhetoric), *Manṭiq* (Logic) and *Ṣarf* (grammatical inflections).

Optional subjects include: Literature, Mathematics, Astronomy, and often some introductory *fiqh*, working from a *Risāla al-'Amaliyya* of one of the contemporary *marāji'*.

B-*Marḥalat al-ṣuṭūḥ* (surfacing level). In this stage,the student studies *fiqh, uṣul al-fiqh,* and other option subjects such as *tafsīr al-Qur'ān, Dirāyat al-Ḥadīth* (critical study of the *Ḥadīth*), *Rijāl (*transmitters of Ḥadīth), *'ilm al-Kalām* (theology), philosophy, and *Akhlāq* (ethics).

At this level the books of *fiqh* and *uṣul* rise in complexity and technicality. The period of study depends on the ability of the student, and his efforts. This stage takes between 5-10 years.

C-*Baḥth al-khārij* (External level). In this stage the students attend *fiqh* and *uṣūl* lessons given in public lectures by the *mujtahids*. These lectures consist of very highly specialised analaysis and examination of religious teachings. The *mujtahid* does not limit himself to any one book, but introduces his own points of view on a matters of *fiqh* and *uṣūl.*

See Jamalī, Fāḍil, 'Theological colleges of Najaf',*The Muslim World*, No.50, 1960, pp.15-22;Momen, *An Introduction to Shi'i Islam*, p.200-3.

2-Other students would write down what was established by their master and make a textbook out of it, which bore the names of both the master and the student.[1]

This kind of writing, as mentioned earlier, can be traced back to al-Bahbahānī's period. It evolved in the hands of his disciple Sharīf al-'Ulamā' (d. 1245/1829), and of Ibrāhīm al-Mūsawī al-Qazwīnī (d. 1264/1848), who collected his *taqrīrāt* in a book entitled *Ḍawābiṭ al-uṣūl*, published in Tabrīz, 1313/1895.[2]

In al-Najaf, the first author to write *taqrīrat* was Jawād al-'Āmilī (d. 1226/1811), who developed in this way the research of his master Mahdī Baḥr al-'Ulūm on the science of *hadīth*.[3] Then came Shaykh Murtaḍā al-Anṣārī, who was an important inspiration for many of his students, most famous among whom was Abū al-Qāsim al-Ṭihrānī.

Al-Anṣārī settled in al-Najaf and inaugurated a new scholarly phase with his *al-Rasā'il*, on the science of *uṣūl,* and *al-Makāsib*, on the science of *fiqh*. His books became essential references in advanced studies leading to *ijtihād*.[4]

The system of al-Anṣārī, which was adopted by the students of Muḥammad Ḥasan al-Shīrāzī, remains in use to this day in the Najaf curriculum.[5]

AL-ISTI'DĀD LI-TAḤṢĪL MALAKAT AL-IJTIHĀD (THE NECESSARY QUALIFICATION REQUIRED TO ACHIEVE THE APTITUDE FOR *IJTIHĀD*)

Mahdī al-Qazwīnī's (d. 1300/1882) writings on *fiqh* and *uṣūl* possess a considerable significance. He wrote an explanation on al-'Allāma al-Ḥillī's

[1] *A'yān al-Shī'a,* Vol.V, p.308; Hirz al-Dīn, *Ma'ārif al-rijāl,* Vol.II, p.374.
[2] Hirz al-Dīn , *Ma'ārif al-rijāl,* Vol. I, p.19; al-Qā'īnī, p.188.
[3] *A'yān al-Shī'a,* Vol. V, p.308.
[4] al-Qā'īnī, p.185.
[5] al-Ṣadr, *al-Ma'ālim al-jadīda,* p.89.

Tabṣirāt al-muta'allimīn (Enlightenment of the learned), on which he had based his inductive and deductive studies.[1]

Al-Qazwīnī was a prolific writer, and his writings dealt not only with *fiqh*, *uṣūl* and philosophy, but also with literature and the genealogy of the Iraqi tribes.[2]

Of all his books *al-Isti'dād li-taḥṣīl malakat al-ijtihād* is the best and the most comprehensive. He had separated *ijtihād* from other topics, dealing with it as an independent subject matter that has its own rules and principles. In the introduction, he stated that the reason behind writing it was to identify suitable methods by which it would become feasible to name, grade and classify the required qualifications necessary to achieve aptitude in *ijtihād*. He endeavoured to distinguish between the "geniuses and dilettantes".

He has also made clear that *ijtihād*, as a topic, is separate from *uṣūl al-fiqh*, on the one hand, and from *fiqh*, on the other hand.[3] *Ijtihād* is the object of *uṣūl al-fiqh*, and thus cannot be a part of it. In the same way, it cannot be a part of *fiqh*, because the latter deals with legal judgements concluded through detailed existing proofs and *ijtihād* does not concern itself with such judgements.With his investigations al-Qazwīnī has tried to answer the following questions:How can one achieve aptitude in *ijtihād* ? or in other words, what are the necessary requirements and procedures which may guide the "qualified" to achieve such aptitude?

1-The conditions for requiring *ijtihād* : in the introduction, he defines *ijtihād* and explains its different grades, then he introduces 20 items which

[1]This is still available as a manuscript, as voluminous -if not more- as al-Najafī's *Jawāhir al-kalām,* which was published in 43 volumes in Tehran, and lately republished in Beirut 1982.

[2]See al-Qazwīnī, Mahdī, *Ansāb al-Qabā'il al-'Irāqiyya*, Najaf, 1918, edited by Muḥammad Ṣādiq Baḥr al-'Ulūm;and edited by 'Abd al-Mawlā al-Ṭurayḥī, Najaf, 1957; and reprinted in al-Najaf 1967, 1972, 1991, and Qumm, 1993.

[3]al-Ṣadr, Riḍā, *al-Ijtihād wa-l-taqlīd,* Beirut, 1976, p.23.

serve as necessary requirements in this regard. He subdivided the conditions for needing *ijtihād* into two categories : *nafsiyya* (moral), which result from purifying and disciplining one's soul; *kasbiyya* (acquisitive), which are provided by education. He had care not only for the requirement of *ijtihād*, but he talked about the catharsis of the human soul, the capability of the soul to achieve supreme morality, based on philosophy, knowledge, and traditions.

2-The characteristics of the person (jurist) who desires to be a *mujtahid*. The author listed 17 items which serve as characteristics of the *mujtahid*. Among these characteristics, he referred to *al-istiqāma* (honesty), centrally placed between the two opposite extremes, that is, "the course intermediate between excess and deficiency".[1] Al-Qazwīnī tries to give the *mujtahid* a method which would enable him to maintain his own way in *ijtihād*, to balance between theoretical sciences and interpretative ones.

Al-Qazwīnī also tried by this to clarify the confusion which trapped the Akhbārīs when they relied on *akhbār* without having any care for *'ilm al-Uṣūl*, and the Uṣūlīs when they relied on assigning rules, *al-qawā'id al-'aqliyya,* from *'ilm al-ūṣūl*. A *mujtahid* must not "get lost in the science of *ḥadīth* and hence rely upon any chain, even if it is irregular''.[2]

In the same way, he explains that the *mujtahid* must not sink into the studying of *uṣūl* by ignoring the reliable *ḥadīths* of the Imāms. He attributes this risk to the fact that the rules of *fiqh* were not all absolute, and that a rule may be used where no evidence requires the scholar to particularise or limit it.

3-The aptitude for *ijtihād*. This aptitude is the goal towards which the *mujtahid* strives. Al-Qazwīnī commented on the source of aptitude (*aṣl al-*

[1] al-Qazwīnī, Mahdī, *'Ilm al-isti'dād li-taḥṣīl malakat al-ijtihād,* fol.51.
[2] *Idem,* fol.56.

malaka) and how people are different in their aptitudes, and their acquisition, which he considered as a direction of God (*al-tasdīd al-ilāhī*), or a reward from him.

Al-Qazwīnī concluded his investigation with a finale that contained commentaries on two points:

1-Indications of the acquisition of aptitude in *ijtihād.*

2-Confusion about acquisition of aptitude in *ijtihād.*

Most specialists have focused their investigations on the post-*ijtihād* period while al-Qazwīnī concerned himself with the period when the jurist has not yet achieved *ijtihād*. He gave more importance to the psychological and moral features which pave the way to the acquisition of aptitude in *ijtihād* while others have neglected these features.

KIFĀYAT AL-UṢŪL AND *AL-'URWA AL-WUTHQĀ*

Two outstanding examples of research were carried out by Kāẓim al-Yazdī and Kāẓim al-Khurāsānī. Al-Khurāsānī wrote a book called *Kifāyat al-uṣūl* (Adequacy of *uṣūl*) in which he developed new theories, and his efforts to introduce philosophical theories into the studies of *uṣūl* earned him the nickname of *Mujaddid 'ilm al-uṣūl* (renewer of *'ilm al-uṣūl*).[1] Among the *'ulamā'* who adopted his method in their writings and their *taqrīrāt*, were Muḥammad Ḥusayn al-Nā'īnī (1276-1355/1860-1936), Ḍiyā' al-Dīn al-'Irāqī (d. 1361/1942) and Abū al-Qāsim al-Khū'ī (1317-1412/1899-1992). al-Khurāsānī's book *al-Kifāya* is not only rich and dense but complex in its style. This had forced its author to make it easier and more approachable by

[1]Muḥammad 'Alī, *al-Imām al-Khurāsānī,* p.121.

commenting and expounding the vague and cloudy phrases in their contexts, it was put together and published in 1328/1910.[1]

Al-Yazdī, on the other hand, wrote a comprehensive book on *fiqh*, *al-'Urwa al-wuthqā* (The close tie). He discussed *fiqhī* problems in detail and followed an easily accessible way in their classification. Because of its organisation and layout, the book became a target for commentaries, review, and study.

Jurists had given these two books (*al-Kifāya*, *al-'Urwa*) their attention and many commentaries were made on them during the author's lifetime. They became the most frequently used references in the study of *fiqh* and *uṣūl* at the Shī'ī scholarly centres.

TANBĪH AL-UMMA WA-TANZĪH AL-MILLA
(ADMONISHING AL-UMMA AND PURIFYING THE LAW)

An oustanding study from the period of the Najaf School is the *Tanbīh al-umma wa-tanzīh al-milla*,[2] by Muḥammad Ḥusayn al-Nā'īnī (d. 1355/1936). This book resulted from of the opposition that arose between the Mashrūṭa and the Mustabidda (Monarchical movement), and the author sought to support the Dustūrī movement led by his teacher al-Khurāsānī. It is considered the first research study undertaken on modern Shī'ī political theory, which looked for a way to legitimise the power of current governments, while the Imām was still in occultation. The Shī'ī *faqīhs* had not dealt with this issue for many centuries. Apart from al-Murtaḍa's paper *Risāla fi l-'amal ma' al-Sulṭān* (fifth/eleventh century), which tackled the

[1] *Idem*, p.119.

[2] An Arabic translation by Ṣaliḥ al-Ja'farī appeared in 1930-1931 under the title *al-Istibdād wa-l-Dimuqrāṭiyya*, see *al-'Irfān*, Vol. 20, (Sidon,1930), pp. 43, 172, 432, and Vol, 21, 1931, pp. 45, 534. *Tanbīh al-umma wa-tanzīh al-milla* was published again in *al-Mawsim*, No.5, (Beirut, 1990), pp.36-142.

problem of *fuqahā'* working with the State (the Buwayhid dynasty), there are no genuine traces of any investigation of this issue.

Tanbīh al-umma wa tanzīh al-milla, written in 1327/1909, deals with political problems. It examines them from the Shī'ī point of view, and discusses such topics as freedom, equality and culture.

In the early stages of his rise to the religious leadership, al-Nā'īnī became aware of the fact that his adversaries were exploiting his bold opinions, which were indeed inconsistent with the accepted ideas within the spheres of spiritual leadership. At great cost, he undertook to collect all the copies of the book and destroy them.[1]

A historian who was contemporary with the events stated that al-Nā'īnī had regretted writing his book[2] because the religious institution had failed to score any positive goals in its struggle against the Qājārī power. Another researcher points out that al-Nā'īnī's society was unable to understand and appraise the dimensions of such new ideas.[3]

A few years before *Tanbīh al-umma* was written, 'Abd al-Raḥmān al-Kawākibī had published *Ṭabā'i' al-istibdād* (Characteristics of despotism, 1316/1899), in which he dealt with the problems of despotism within the context of the necesssity for Arab renewal. Al-Nā'īnī, it may be argued, could have consulted this work.[4] Although the two works had dealt with the same issue, al-Kawākibī's work has been given more attention by Arab researchers because the author himself had represented the Arab Renaissance Movement while al-Nā'īnī did not enjoy such a previlege since he had dealt

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[1]Hirz al-Dīn, Vol.I, p.287.

[2]*Ibid.*

[3]Muṭahharī, Murtaḍā, *al-Haraka al-Islāmiyya fī al-qarn al-rābi' 'ashar,* Beirut, 1982, p.50.

[4]See Kattūra, Georges, *Ṭabā'i' al-Kawākibī fī ṭabā'i' al-istibdād,* Beirut, 1987; al-Dahhān, Sāmī, *'Abd al-Raḥmān al-Kawākibī,* Cairo, 1977; 'Amāra, Muḥammad, *al-Majmū'a al-kāmila li-mu'allafāt al-Kawākibī,* Beirut, 1980.

with the issue in the light of the existing Qājārī State from the Shī'ī point of view.

Tanbīh al-umma wa-tanzīh al-milla has an introduction on the realities of despotism (*istibdād*) and the demand for a constitution (*dustūr*) which would be applied by the government under the supervision of the council of the *Umma*.

The author mentions two types of rule:

1-The despotic rule, where the Sulṭān rules the country as if it were his private fief. The degree of absolutism exercised by the Ṣulṭān and his entourage depended on two factors: the people's awareness of the duties assigned to the ruler; the absence of authoritative bodies which might investigate the coercive practices of the ruler.

Al-Nā'īnī referred to two kinds of despotism: political and religious, stating that they are "twins". He argued that removing a religious despotism is much harder than removing a political one, as the former rests upon coercion and predominance, while the latter relies upon fraud and cheating.[1]

2-The constitutional rule, which is characterised by the restrictions which are imposed upon the ruler in exercising his power. The ruler is an executor of the laws and decrees which organise the State. People are participants in the ruling and administering the affairs of the State.

From the Ithnā'asharī's point of view, rule during the absence of the Imām depends solely on two factors :

[1] *Tanbīh al-umma,* p.82.

1-Elaborating a fair constitution that defines the procedures for the creation of public positions, as well as the limits of the Sulṭān's rights and the liberty of the *Umma.*

2-Creating a consultative house of deputies, *al-majlis al-niyyābī al-shūrawī*, that includes a panel of the wise men and the *'ulamā'* of the *umma*, commissioned to prevent power from being transformed into the property of the person who is entrusted with it.

Al-Nā'īnī considered the legitimacy of creating such a council actually representing the *umma* in the House of Deputies, as a matter agreed upon by all the Islamic schools.

As for the Ithnā'asharī school, it considers that ruling the affairs of the *Umma* is one of the *mujtahid's* functions, these being the legal substitutes for the still hidden Imām; and that including some of them in the "mandatory panel", *al-hay'a al-muntadaba*, along with their agreement to put the decisions into execution, is enough for its legitimacy.[1]

After this introduction come the following five chapters: on the necessity of creating a constitutional regime; on how to change the despotic authority into a constitutional one during the absence of the Imām; on defining the means of government by laying down a complete constitution and creating a consultative house of deputies.

Fourthly comes criticism of remarks made against the constitution and the House of Deputies, such as the argument that democracy is a new religion that aims to replace Islam and that the constitution is a stratagem created to replace the Qur'ān and the *Sunna*.

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[1] *Tanbīh al-umma,* pp.72-77.

Al-Nā'īnī replied that the despotic regime usurps liberty, while the Constitutional (Democratic) Movement entails taking it back from its usurper.

In the fifth chapter, on the rights and duties of the members of the House of Deputies, he explains that their candidature is controlled by the *mujtahids*, because the house of deputies includes a group of *mujtahids* who are acquainted with the problem of policy and who work to correct the opinions and to put them into execution. The conditions that a member of the House of Deputies must fulfil are then listed :

a-To understand the art of politics and international policy.

b-To act in the interest of the nation.

c-To be faithful to religion and to the Islamic nation.[1]

As for their duties, they include:

a-To organize the taxes and manage the revenues of the kingdom.

b-To write down the constitution, lay down the laws, entrust them to the legitimate authority and abrogate articles or make the relevant amendments.

c-To divide the functions of the kingdom in order that every section can be managed by its own legislation, with the help of experts and without excess.[2]

In his conclusion, he tried to relate the causes of decadence, which he called "the accursed forces inside the state", back to ignorance, which includes a misunderstanding of the Sultanate and the rights of the community, religious despotism, as well as the worship of the Sultan, latent conflicts in the community which gets divided and intimidated by violence and terrorism.

[1] *Tanbīh al-umma*, pp.102-116.
[2] *Tanbīh al-umma*, pp.118-123.

The causes of decay are also found in despotism and the subjugation in the hearts of the persons of rank, whatever class they belong to, and the development of corruption, as well as the usurpation of financial and military functions, which are both necessary for the community's safety.[1]

Then al-Nā'īnī put forward the appropriate solution to each of the above-mentioned causes.[2] It is possible to conclude from al-Nā'īnī's treatise the following:

1-*Tanbīh al-umma* was written in reaction to the conflict between the Dustūrī-Iranian movement and the despotic government of the Qājārī Shāh. The solution proposed by al-Nā'īnī in response to the decadence of the political system was a constitutional council, as Western countries had done. He considered that Islamic principles are the basis for justice and liberty, and that Western intellectuals had taken their ideas from the justice of Islam.

2-al-Nā'īnī also considered that the basis of despotism lay in the subjugation of the *umma* and in the absence of its voice from the government. He also remarks that democracy is built upon liberating the *umma* from subjugation and allowing individuals to share in the government with its holders. He tried to bring about a solution to the dialectical relation between the sovereign and the subject, by taking historical examples derived from the Qur'ān, the *Sunna* and *Nahj al-balāgha*.

The main example he relied upon is the opposition of the Imām al-Ḥusayn to the Umayyad state and his consequent assassination, as providing a clear vision of his release from subjugation and of his belonging to the principle of *tawḥīd* (the divine unicity), making of this refusal a universal model of liberty throughout the world.

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[1]*Idem,* pp.125-133.
[2]*Idem,* p.133-142.

3-Al-Nā'īnī makes no difference between the political system he himself chose, namely the constitutional one, and the political consciousness that the *umma* should have, for the more this consciousness is actual, the better the results of the political regime.

Al-Nā'īnī underlines the importance of religious concepts in making a political consciousness come into view, as such concepts are the best way to a common political consciousness. He had attacked bad *'ulamā'* and called them the thieves of religion.

4-Even though al-Nā'īnī was a follower of the Ithnā'ashariyya, his views were new to the Shī'ī tradition and applied to the whole Islamic community, and he tried to find a common ground between the problem of government during the absence of the Imām from the point of view of the Ithnā'ashariyya, and the unanimous consensus of the senior rulers (*ijmā' ahl al-ḥall wa-l-'aqd*) from the Sunnī one. In his view, this could be resolved by granting the *mujtahid* the right of supervising the House of Deputies and ratifying its decisions.

5-In comparison with *Ṭabā'i' al-istibdād*, *Tanbīh al-umma* is based on a more precise theory about government, whereas al-Kawākibī's work is restricted to descriptive remarks derived from common sense, and lacked the theory which had the potential to be put into practice.

CHAPTER V

THE SCHOOL OF AL-NAJAF

(THE SECOND PERIOD)

The religious institution had to face a new challenge with the arrival of the British armies after the outbreak of the First World War. Despite the earlier fanatically anti-Shīʿī character of Ottoman rule, with the British occupation of al-Baṣra in 22 November 1914 the Arab Shīʿī leaders toned down their grievances against the Ottomans and issued *fatwās* supporting the Turks.

The Ottomans had adopted an oppressive policy against the Shīʿīs during the previous two centuries of their rule. Consequently, the Shīʿī tribes were always on the defensive and liable to rise against the Ottomans and attack them whenever possible.

Many incidents which took place proved that the Ottomans had been following oppressive policies against the Shīʿīs. Among these were the invasion of the holy city of Karbalā' by Najīb Bāshā in 1258/1842, and the invasion of the holy city of al-Najaf by Salīm Bāshā in 1268/1852.[1]

Prior to British intervention in 1914, the relations between Ottomans and Shīʿīs may justly be described as bad. However, as the Ottomans understood the danger presented by the occupation of Baṣra by the British troops, they tried to get into favour with the Shīʿī *fuqahā'* in order to mobilize the Iraqi tribes. The Ottoman government sent envoys to the *mujtahids* emphasizing the necessity of defending Muslim land against non-Muslims. A rapprochement took place between the two sides, and some *mujtahids* even

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[1]al-Nafīsī, ʿAbdallāh Fahd, *Dawr al-Shīʿa fī taṭawwur al-ʿIrāq al-siyāsī al-ḥadīth,* Beirut, 1973, p.81.

devoted themselves to bringing together the tribes and creating paramilitary troops.[1]

The mobilization extended to all the Shī'ī regions, including the middle Euphrates and the cities of Baghdad and al-Kāẓimiyya, while some of the *fatwās* focused at one time on fighting the British, at another on defending Muslim land.[2] Some leading *faqīhs*, among whom were Muḥammad Sa'īd al-Ḥabūbī (1266-1333/1850-1915) and Mahdī al-Ḥaydarī (d.1336/1917), actually led the Iraqi tribes on the Ottoman side in armed confrontations with the British.

Nevertheless, the Shī'ī tribes were against supporting the Ottomans because the latter had oppressed their community and imposed high taxes on them. But *'ulamā'* had exerted strong efforts to persuade those leaders to support the Ottomans because they believed that the Ottomans would emerge victorious from the war. This lay behind the comment of one of the Arab tribal leaders to the Turkish commander that the Ottomans had betrayed Islam "because you had been treating the Arabs oppressively and we have supported you because of our *'ulamā''s fatwās*".[3]

Yet relations between the Ottomans and the Shī'īs reverted to their original hostility soon after the Turkish defeat at al-Shu'ayba in 12-15 April 1915. The tribes withdrew their support for the Turkish armies and set about asking for independence in an attempt to get rid of both the Turkish and the British occupation.[4]

The Turkish government replied by launching repressive campaigns against several Shī'ī cities where official centres had been attacked by the

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[1]al-'Alawī, Ḥasan, *al-Shī'a wa-l-dawla al-qawmiyya fī al-'Irāq (1914-1990)*, London, 1990, p.60.

[2]al-Faqīh, *Jabal 'Āmil fī al-Tārīkh*, p.53.

[3]'Aṭiyya, Ghassān, *al-'Iraq, nash'at al-dawla*, Beirut, 1988, pp.120-160.

[4]al-Nafīsī, p.82.

inhabitants. In this way, the rift between both sides became wider than before, thus putting an end to the first stage of *jihād,* which was characterized by close collaboration.

In April 1915, the Ottomans sent troops to regain control of the city of al-Najaf, but the inhabitants resisted the forces and after a three-day fight, the Ottoman forces surrendered. As a result the Najafīs decided to take over the entire administration and dismissed the Turkish officials. The prominent people of the city administered its affairs until the revolution of al-Najaf, *thawrat al-Najaf*, occasioned by purely internal pressures in al-Najaf in March 1336/1918.[1]

In the same manner, the inhabitants of Karbalā' rose up against the Ottomans in June 1915 and they dismissed the Turkish officials and administered the affairs of the city themselves.

Again, in November, 1916, the inhabitants of al-Ḥilla rose up against the Ottomans. The Ottomans sent between 4,000 and 6,000 troops against the city under the leadership of 'Ākif Beg. When the troops arrived near al-Ḥilla the inhabitants forbade them to enter. The Ottomans claimed that they wanted to cross the city to get to al-Nāṣiriyya. They had asked to meet the prominent people of the community to negotiate with them for permission to cross the city. When the leaders of the city, such as Muḥammad 'Alī al-Qazwīnī (d.1356/1937) and others, met them, the Ottomans detained them and declared to the inhabitants of the city that if their crossing through the city to al-Nāṣiriyya was opposed, they would kill their hostages. The inhabitants believed them and thought that the Ottomans would abide by their promise and cross the city peacefully. The town was then occupied and much damage was

[1]al-Nafīsī, p.91.

done. A number of leading citizens were hanged and their women carried off.[1]

This event had occasioned a big outcry within the Shī'ī community. Al-Sayyid Hādī al-Qazwīnī (d. 1347/1928) had already mobilised the Shī'ī tribes and moved towards the city to fight the Ottomans.[2] He did not manage to catch up with them, however, because they had already left the city.

The British jeopardised their international reputation when they lost the war in al-Kūt (from December 1915 to the end of April 1916). They decided to mass their troops to achieve victory in order to retain their well-known international standing which had suffered through their defeat by the Ottomans at al-Kūt. Under the leadership of Lieutenant-General F. S. Maude, British troops managed to invade Baghdad in 11 March 1917 after besieging it, and effected the eventual withdrawal of Turkish troops from the city, thus puting an end to Ottoman rule in Iraq.[3]

After the British completed the invasion of Iraq, they decided to be friendly to the Shī'īs because they had been oppressed by the Ottomans. So in 1917, after entering Baghdad, Sir Percy Cox held a meeting with the *mujtahid* Shaykh Muḥammad Taqī al-Shīrāzī, in al-Kāẓimiyya and suggested to him that he take over the administration of the country's religious affairs. He told al-Shīrāzī that the British had not come to Iraq as conquerors but as liberators. Cox decided on this approach in spite of the fact that the Shī'īs had resisted the British invasion. al-Mīrzā Muḥammad Hādī al-Khurāsānī (d. 1366/1947), one of al-Shīrāzī's disciples and later one of the prominent *mujtahids,* who attended that meeting, reflected on the result of the meeting and noted that

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[1] *Personalities, Iraq (Exclusive of Baghdad and Kāẓimain)*, confidential, Baghdad, 1920, p.76.

[2] 'Aṭiyya, p.154; *Personalities*, p.37.

[3] Burne, A. H., *Mesopotamia:the last phase*, London, 1936, pp.5-10: Silverfarb, Daniel, *Britain's informal Empire in the Middle East : A case study of Iraq 1929-1941*, New York, 1986, p.5.

Sunnī *'ulamā'* began attending Shī'ī ceremonies and festivals and tried to show their allegiance to the Shī'ī *'ulamā'*. The same Sunnī *'ulamā'* had been accustomed to defaming the Shī'ī *'ulamā'* and saying anything that might injure their reputation.[1] A movement preaching for the return of Turkish rule appeared and tried to use Sunnī *'ulamā'* for this purpose. For this reason, Ibrāhīm al-Rāwī (d. 1365/1946), one of the Ṣunnī *'ulamā'*, wrote a book entitled *Dā'ī al-rashād ilā sabīl al-ittiḥād* (The summons of divine guidance to the path of unity). In its introduction he claimed that the reason behind writing the book was the setback the Islamic state had suffered after the collapse of the Ottoman Caliphate.[2]

Four months after General Maude's death (he died on 18 November 1917), serious disturbances took place in al-Najaf city. These disturbances were initiated by the oligarchs of the town who were desirous of administering its affairs. They had sensed, after the arrival of Captain W. M. Marshall, that the British were increasing their power in the city by infiltrating society disguised as *Shabana* (local police), and so attacked 'Aṭiyya's Khān and killed Captain Marshall. Accordingly, the British, under the orders of General Sanders, acted swiftly and blockaded the city with a brigade under General Sanders himself, and the following conditions were proclaimed:

1-The unconditional surrender of certain persons known to be the ringleaders and supposed to be among the attacking party.

2-A fine of 1,000 rifles.

3- A fine of Rs. 50,000.

4- Deportation of 100 persons to India as prisoners of war.

[1]Hand-written document by Mirzā Hādī al-Khūrāsānī, see al-Qazwīnī, Jawdat, "al-Bariṭāniyyūn wa-l-tashkīla al-Shī'iyya-al-Suniyya: qirā'a fī wathīqa maghṭūṭa", *al-Ṣaḥwa*, No.4, London, 1995, pp.21-23.

[2]al-Rāwī, Ibrāhīm, *Dā'ī al-rashād ilā sabīl al-Ittiḥād*, Baghdad, 1929, p.5.

5- Pending fulfilment of the above conditions the town to be blockaded and the food and water-supply cut off.[1]

On 4th May, the blockade was lifted after surrender of the prominent persons named. On 25 May 1918 the eleven men who were behind the attack were hanged in public.[2]

The siege of the holy city of al-Najaf and the mistreatment of its inhabitants worsened the relationship between the Najafīs and the British. Al-Nafīsī has attributed the failure of the British administration to avoid besieging the city and causing the casualties incurred there to the lack of sincere advisors. The British had relied on information from some local traders whose interests in the affair were purely personal.[3]

Complex as the events may have been, the Shī'ī institution maintained its independence, as closely as possible, and constantly resisted any occupation by foreign troops. This refusal reached its peak with the revolution of al-Najaf in 1918 and the great revolution of 1920.

After moving to Karbalā' on February 23 1918, Shaykh Muḥammad Taqī al-Shīrāzī became a distinguished leader who engaged in political activities and played a great role in the initial stages of the revolution of 1920, of which he later assumed the leadership. He died on 17 August 1920 before the war was ended. Shaykh Fatḥ Allāh al-Iṣfahānī, known as "Shaykh al-Sharī'a", assumed the leadership but died soon after on 18 December. There were three prominent *mujtahids* who were candidates to succeed Shaykh al-Sharī'a; two of them used to reside at al-Najaf, Abū al-Ḥasan al-Iṣfahānī (1277-1365/1860-

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[1]Wilson, Sir Arnold T., *Loyalties:Mesopotamia 1914-1917*, Oxford, 1930, p.74.
[2]Wilson,p.75.
[3]al-Nafīsī, p.64.

1946) and Ḥusayn al-Nā'īnī (d.1355/1936), and the third, Mahdī al-Khāliṣī (1276-1343/1859-1924-5), in the region of al-Kāẓimiyya.[1]

The main reasons for the spread of resistance are related, on the one hand, to British failure to keep the engagements they undertook when they occupied Baghdad (1917), claiming to be liberators, not conquerors; and on the other hand, to the repressive policy by which some of the British governors subdued the residents.[2] Regarding the resentment Iraqis bore against the British, some historians say that most of the people first welcomed the occupation, after the suffering experienced at the hands of the Turks during the First World War. Two or three years later, they turned to opposition for several reasons:

1-The Ottoman rule in Iraq was not very well organised, and when the British conquered Iraq, they had introduced an administration which was unfamiliar to the Iraqi people and transformed the evolution of Iraqi society by placing too much reliance on unrepresentative social classes which were unacceptable to the majority of people.

2-The inflation, which resulted in overspending by the British on many new projects, had caused the creation of a self-interested class whose monopolising methods disregarded the interests of the Iraqi people. The situation worsened and Iraq was almost struck by a famine.

3-Some of the political chiefs and their British collaborators, in charge of remote regions, were not fully aware of the tribal nature of Iraqi society.[3]

After the failure of the revolution of 1920, the British government undertook to set up an authority in Iraq which would be closely identified with it, and obtained international legitimacy in the shape of a mandate which the

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[1]al-Wardī, Vol. II, p.42.
[2]Maḥbūba, Vol.I, p.344.
[3]al-Nafīsī, p.151-160.

League of the Nations conferred on it.[1] This meant that people under mandate could not accede to self government without the help of advanced states.

Among the after-effects of Great Britain's designation as a mandatory power, were the accession of Fayṣal b. al-Ḥusayn (1341-1352/1921-1933) to the throne of Iraq, the settlement of the Anglo-Iraqi treaty by the Provisional Government, and the confirmation of the Mandate according to the decisions of the conference held at San Remo by the Allies on 25 April 1920.[2] Imposition of the terms of the treaty resulted in violent reactions among the *'ulamā'*, and Mahdī al-Khāliṣī stood against it and issued a *fatwā* prohibiting any collaboration with the official institutions. Abū al-Ḥasan al-Iṣfahānī, al-Nā'īnī and al-Khāliṣī declared the projected elections unacceptable.[3]

At the same time, the religious institution and the state indulged in propaganda warfare which ended with the deportation to Iran of the religious *marja's,* Abū al-Ḥasan al-Iṣfahānī, Ḥusayn al-Nā'īnī, and Muḥammad Jawād al-Jawāhirī. They were obliged to refrain from meddling in internal Iraqi affairs. However, this step appeared to have threatened British interests in Iran and the British decided to cancel the deportations and arranged their return to Iraq. The *mujtahids* effectively came back in April 1924, after agreeing to keep out of politics, and fulfilled a purely cultural role as part of their religious duties. For the following 25 years, no events of importance were to be recorded. Under the leadership of Muḥsin al-Ḥakīm (1306-1390/1889-1970), the religious institution was given a new political start, with the Islamic parties ultimately developing in Iraq in the fifties.

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[1]Countries under mandate had been classified into three categories, according to their degree of development. Being in the first one, the Arab countries were to be temporarily supervized by the mandatory states, up to their independence; see Foster, Henry A., *The Making of Modern Iraq,* London, 1936, p.96-103.

[2]Foster, *The Making of Modern Iraq*, p.93.

[3]al-Wardī., Vol.VI, p.43.

After the drastic political changes which took place in Iraq at the end of First World War, the religious institution remained under the control of distinguished *mujtahids* who, like al-Nā'īnī, played an outstanding role in the the dispute between *mashrūṭa* (constitutional) and *mustabidda* (monarchical) rule, over opposition to the British occupation, while others stood aside from political activity, without taking any definite position whatsoever towards the current events. For instance, Ḍiyā' al-Dīn al-'Īrāqī (d.1361/1942) abandoned religious leadership and stayed aloof from any public affair, devoting his time to religious studies.[1]

After Abū al-Ḥasan al-Iṣfahānī's death in 1365/1946, two *faqīhs* appeared on the scene as religious leaders: Muḥsin al-Ḥakīm in al-Najaf and Ḥusayn al-Burujirdī (1292-1380/1875-1961) in Iran. This was the period when several parties, of various political persuasions, such as the Iraqi Communist party and the nationalist parties, dominated the Iraqi scene.

In the early fifties, the first two Islamic parties came into being: *Ḥarakat al-Shabāb al-Muslim* (Muslim Youth Movement) (1953) and *Munaẓẓamat al-Muslimīn al-'Aqā'idiyyīn* (Doctrinal Muslims Organization) (1954), led by 'Izz al-Dīn al-Jazā'irī, son of Shaykh Muḥammad Jawād al-Jazā'irī. They tried to unite the youth in an organized action likely to renew Islam. According to 'Izz al-Dīn, whom we met in the summer of 1988 in Beirut, the lethargy of the religious institution and its passiveness vis-à-vis the evolution of events and society, incited him to search for a new, clearly defined basis for the efforts of the new generation.

Al-Jazā'iri's positions towards the spiritual leaders -and vice versa- led both parties to act independently of each other and they therefore failed to

[1]Ḥirz al-Dīn, Vol.I, p.386.

achieve the renewal that might have been expected, especially with the appearance of a new Islamic party, *Ḥizb al-Da'wa al-Islāmiyya* (The Islamic Call Party).

Through this renewal, a great *mujtahid,* Murtaḍā Āl Yāsīn (1311-1397/1893-1977), founded *Jamā'at al-'Ulamā'* (the Community of the Ulemas) in al-Najaf, soon after the revolution of 14 July 1958 put the Republican system in place of monarchy. The *Jamā'a* dedicated itself to cultural work, organizing religious ceremonies and publishing the journal *al-Aḍwā'* (from 1960).[1]

Ḥizb al-Da'wa was officially founded in 1959[2] on the initiative of a group of fervent young Muslims who were aware of the serious need for organised works that might be influential in educating people and enabling them to adhere and follow Islam. Among these were Hādī al-Sūbaytī,[3] Ṭālib al-Rifā'ī and Mahdī al-Ḥakīm (killed 1408/1988). Later the party was directed by Muḥammad Bāqir al-Ṣadr and came under his influence.

This new movement followed the *marja'iyya* of Imām Muḥsin al-Ḥakīm, which it considered, according to one of the founders[4] of the Iraqi Islamic movement, as the most appropriate: it was Arab and seemed to have a clear

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[1]Wiley, Joyce N., *The Islamic Movement of Iraqi Shi'as,* Boulder, 1992, pp.33-34; Shaikh, Farzana, *Islam and Islamic groups: A worldwide reference guide,* London, 1992, p.115.

[2]The exact date for *al-Da'wa* is uncertain, Ṭālib al-Rifā'ī stressed that it was founded in the middle of 1959; *Mudhakkarāt al-Sayyid Ṭālib al-Rifā'ī,* fol.48, compiled by Jawdat al-Qazwīnī, (unpublished manuscript). Some others, however, put the date as early as 1957; *Mudhakkarāt al-Sayyid Muḥammad Baḥr al-'Ulūm*, fol.2.

[3]Hādī al-Sūbaytī was a pioneer in the Sunnī *al-Taḥrīr* (Liberation) Party. He later became a member of al-Da'wa, then left Iraq for Jordan in 1974. During the Iran-Iraq war in 1982, he was extradited to Iraq and no information on him is available.

Ḥizb al-Taḥrīr was originated in Jordan in 1953, then some party individuals moved to Iraq and began preaching their thoughts. Because of the pan-Islamic views of the party, some of the Shī'ī elements became members in it but when its leader Taqī al-Dīn al-Nabhānī (d.1398/1978) had expressed anti-Shī'ī views in his book *al-Khilāfa al-Islāmiyya,*(Published in al-Quds in 1956), the Shī'ī members suspended their membership and then joined the Da'wa Party when it came into existence.

[4]Interview with Sayyid Murtaḍā al-'Askarī, London, summer of 1991.

conception of the current political struggle and the intellectual invasion that Islamic thought was undergoing, especially in Iraq.

The new formulation of Islamic political thought met a favorable echo within the religious circles, where Muḥammad Bāqir al-Ṣadr's writings already represented a great progress in *fiqhī* political thought, after its restriction, since al-Nā'īni's work, to the forms of Islamic government.[1] Al-Ṣadr's activity developed during this period, and he set down the regulations for *Ḥizb al-Da'wa,* which some students of his group joined due to his personal influence.[2]

As for Imām Muḥsin al-Ḥakīm, he did not oppose the movement.[3] possibly considering it as a necessary step in the circumstances Iraq was going through. Yet on the other hand, he declined any leading responsibility, for himself or any of his relatives, on the basis that *marja'iyya* was not to be limited to party leadership. In his view it had to reach out and include all the reform movements, whether institutionalised or not.

The Islamic Movement, which took shape in 1960, developed in two main directions :

1-It confronted political power through supervising the religious ceremonies and general occasions pertaining to worship, as well as choosing

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[1]al-Qabānjī, Ṣadr al-Dīn, *al-Jihād al-siyāsī li-l-Shahīd al-Ṣadr,* Tehran, 1981, p.27.
[2]Interview with Murtaḍā al-'Askarī, London, 1991.
[3]There were four active groups around al-Ḥakīm. Each of them used to represent a certain authority. They had conflicting interests among them. Ibrāhīm al-Yazdī, his son-in-law (still living in al-Najaf in 1995), used to represent the Iranian interests. His son Muḥammad Riḍā al-Ḥakīm was to entertain the Nationalist interests under the leadership of Jamāl 'Abdul Nāṣir (the President of Egypt), while his son Yūsuf al-Ḥakīm (d.1412/1991), used to insist on not involving religious leadership in unimportant affairs. His sons Mahdī al-Ḥakīm (assassinated in the Sudan in 1988) and Muḥammad Bāqir al-Ḥakīm (the Islamic religious leader who has lived in Iran since 1980), together with Muḥammad Bāqir al-Ṣadr, insisted on a new approach to applying Islamic tenets to social and economic life.

speakers to expound the political situation and the social demands of the Marja'iyya .

2-It trained educated persons to fulfil leading roles in order to act upon the Iraqi scene. This consisted in encouraging students to come to al-Najaf to study religion, creating Islamic courses likely to provide the students with a modern education, so that most of the graduates became *wukalā'* (representatives) for the Marja'iyya in most cities of Iraq; encouraging the intellectual movement by offering people educational facilities, like public libraries; creating schools and universities, such as the Faculty of *Fiqh* in al-Najaf and the Faculty of *Uṣūl al-Dīn* in Baghdad.[1]

The Marja'iyya of al-Ḥakīm and the Islamic movement went through three phases under the Republican Regime:-

1-The period of President 'Abd al-Karīm Qāsim (1958-1963) is characterized by increasing conflicts between the Nationalists and Communists. The Communists had emerged as a political force hostile to Qāsim, whose rule was showing worrying weakness. At first, al-Ḥakīm supported the government, but he soon opposed it on some matters, especially after the growth of Communist activity. Then, he issued a *fatwā* describing Communism as atheism, an opportunity which was seized upon by all the opponents of Qāsim. After the revolution of July 1958, says Ṣādiq al-Baṣṣām, the Communists played an outstanding role, showing an effective presence among the people, while Qāsim, whose power derived from a coup d'état, was unable to limit their influence.[2]

[1]*Mudhakkarāt al-Sayyid Muḥammad Baḥr al-'Ulūm,* compiled by Jawdat al-Qazwīnī, fol.10, (unpublished manuscript).

[2]Interview with Ṣādiq Hādī al-Baṣṣām, London, 1991. (al-Baṣṣām died in London in 18/8/1995.

Qāsim tried to avoid the inevitable clash with al-Ḥakīm, who was pressed by numerous forces to bring down the government.[1] But the religious leader kept on opposing the government, tackling it on its legislation against the Sharī'a, right up to the fall of Qāsim on 8 February 1963.

2-The period of 'Abd al-Salām and 'Abd al-Raḥmān 'Ārif (1963-1968) is characterized by a general cultural activity, which the Islamic Movement took advantage of, extending significantly among the cultivated classes, particularly under the weak rule of 'Abd al-Raḥmān 'Ārif.

3-The period from the coming into power of the Ba'th party (1968) to the death of al-Ḥakīm (1970). Within this period, the confrontation between the political power and the religious institution became direct and violent. One of the priorities of the government was to stand against the religious current and to strike at the Marja'iyya, which was represented by al-Ḥakīm. Many supporters of the Islamic movement were put under arrest, together with important Shī'ī personalities, some of whom were executed ('Abd al-Ḥusayn Jīta and 'Abd al-Hādī al-Bachchārī).[2] The government took additional steps, expelling non-Arab students from al-Najaf.

In 1969, al-Ḥakīm decided to move to Baghdad, to show the government his disappointment with its vicious practices against the Iraqi people, and to give those in government an impression of his strong position among the people. His representatives, *wukalā'*, and the leading members of the Da'wa Party mobilised a wide range of Iraqi people from many difference parts of

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[1]The exploitation of al-Ḥakīm's status was reflected in the activities of the Nationalists who misled him into taking steps to create internal disorder. The Sunnīs also made use of his status to worsen the internal disturbances when his photos began to appear in Sunnī mosques in al-A'ẓamiyya district. In spite of this, Qāsim used to have Shī'ī inclinations and had deep respect for the Shī'ī jurists. I was told by Ḍiyā' Ishkāra (d.1409/1989), the civilian private escort to Qāsim, (in Baghdad, summer, 1975) that Qāsim used to go together with him secretly to visit the shrine of Imām Mūsā al-Kāẓim in the early morning.

[2]*Mudhakkarāt Muḥammad Baḥr al-'Ulūm*, fol.16.

the country to visit him in al-Kāẓimiyya and pay their respects, showing the authorities the wide popular support which the Marja'iyya could rely on.

He made a list of demands to the government which included the following:

1-Not to detain or imprison any citizen without proper legal proceedings.

2-To cease all activities concerning those of Iranian origin, the majority of whom were religious students.

3-To release all political prisoners.

4-To cease from applying corporal punishment.

Seeing that none of the government officials had come forward for negotiation, al-Ḥakīm chose to hold a popular meeting which gathered all the *'ulamā'* and representatives from the Shī'ī cities in a show of force.

The plan was abortive. The official media had meanwhile accused al-Ḥakīm's son, Mahdī, of being a spy. The attack weakened the mobilization.[1] But it was not the end of matters. Al-Ḥakīm saw that action was necessary and that, all things considered, it was better for the Marja'iyya to be struck "in action" than "be silent and inactive". This was the first political confrontation between the authorities and the religious institution, resulting in the latter being temporarily defeated.

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[1]*Mudhakkarāt Muḥammad Baḥr al-'Ulūm*, fol.18.

THE POLITICAL PROGRAM OF IMĀM AL-ḤAKĪM

Muḥsin al-Ḥakīm decided to move on two fronts, political and military:

1-He tried to attract and make connections with a large group of Shī'ī military leaders and politicians, in order to take the lead in any Islamic move. The military was led by a well-known Shī'ī, Rashīd al-Janābī, a brigadier commander respected by the Iraqi tribes of the south. The politicians were headed by Shaykh Muḥammad Riḍā al-Shabībī (d. 1384/1964), a well-known Iraqi personality.

2-Al-Ḥakīm thought of creating academic and educational institutions. He was behind the funding of the Kūfa University project and supported financially and morally the existing *Fiqh* Faculty in al-Najaf and the *Uṣūl al-Dīn* Faculty in Baghdad.

3-Al-Ḥakīm set up contacts with Muslim and Arab governments and personalities, especially with Shāh Muḥammad Riḍā of Iran, President Jamāl 'Abd al-Nāṣir of Egypt, King Ḥusayn of Jordan, Lebanese political leaders and King Fayṣal of Saudi Arabia. These contacts resulted in al-Azhar accepting the Shī'ī doctrine as one further doctrine of Islam, relieving the pressure on the Shī'īs in Saudi Arabia, and urging the Shāh to release the imprisoned *'ulamā'* and encourage the intellectual circles *Ḥawza al-'ilmiyya.*[1]

4-Finally, al-Ḥakīm showed a serious interest in Arab affairs and expressed his support for Arab issues, for example, in Palestine, Algeria and Morocco. He also backed Egypt on the Suez Canal and held festivals in celebration of these issues.[1]

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[1]*Mudhakkarāt Muḥammad Baḥr al-'Ulūm*, fol.31.

But Rashīd al-Janābī was arrested as soon as the Ba'th Party came to power (1968). He was executed in 1970 with 45 other persons.[1]

Al-Ḥakim's failure may be attributed to two reasons:-

A-The leaders of the Islamic movements had conflicting opinions regarding the conduct of political struggle, because there were many different trends within them. The first trend was represented by the Da'wa Party whose leadership insisted on an organised strategy and action. The second one, of which al-Ḥakīm used to be the main supporter, decided that the religious institutions should not become involved in political activities, while the last one tried to compromise between the political struggle and educational steps. Muḥammad Bāqir al-Ṣadr represented the third trend.

B-The religious leadership decided to take action alone, which resulted in the isolation of popular political parties from the struggle against the authorities.[2]

AL-KHŪ'Ī'S RELIGIOUS LEADERSHIP

With al-Ḥakīm's death (1390/1970), the candidacy for the office of the Marja'iyya was disputed by two *faqīhs* : Maḥmūd al-Shahrūdī (d. 1396/1976) and Abū al-Qāsim al-Khū'ī(1413/1992). Al-Shahrūdī's leadership did not exercise any important influence in the Arab area, unlike al-Khū'ī's. The latter emerged among the other *faqīhs* as the founder of a rational school that created several *mujtahids,* who developed his way of thinking in both *fiqh* and *uṣūl* studies. Moreover, some of them played outstanding political roles, such

[1]We have from Sādiq al-Baṣṣām that al-Janābī's movement actually aimed at restoring monarchy in Iraq; it considered al-Ḥakīm as a force susceptible to be used to achieve this aim, by mobilizing the tribes against the central power. Besides, the movement was supported at first by the Shāh of Iran and King Ḥusayn of Jordan, but it failed due to British opposition to such a restoration (interview with Ṣādiq al-Baṣṣām, London, 1991).

[2]*Mudhakkarāt Muḥammad Baḥr al-'Ulūm*, fol.26.

as Muḥammad Bāqir al-Ṣadr in Iraq, Muḥammad Ḥusayn Faḍlallāh in Lebanon, and Muḥammad Sarwar Wāʿiẓ during the war in Afghanistan.[1]

Before his accession to the religious leadership, al-Khūʾī had opposed the policy of the Shāh, as appears in some of his statements made in 1382/1962.[2] al-Khūʾī was considered the most prominent scholar of the *Ḥawza*[3] and known as its head, then as *Imām*. In al-Khūʾī's lifetime, intellectual invistigations in *fiqh* and *uṣūl* flourished as much under al-Muḥaqqiq al-Ḥillī (seventh/ eleventh century) and al-Anṣārī (late thirteenth/nineteenth century).

In his early years al-Khūʾī is known to have had reforming views regarding the religious institution, and he thought of raising its status by establishing teaching circles under his supervision. He moved to Karbalāʾ in the forties, but he had to come back to al-Najaf when his project did not meet enough encouragement.[4]

Since the early seventies, al-Khūʾī had been living through a critical period of Iraqi history, with the success of the Iranian Islamic revolution led by Rūḥallāh al-Khumaynī (d. 1410/1989), and the huge political changes in Iraq. When the Iraqi-Iranian war broke out in 1980, the Iraqi government sought public support from the religious leadership represented by al-Khūʾī, against al-Khumaynī. But al-Khūʾī did not give encouraging signs to the Iraqi government that he would become involved in this political conflict. He

[1]One of the leaders of the Afghan resistance, he was held under arrest by the Soviet expeditionary force from the very first days of the occupation and disappeared without trace, leaving valuable writings on his master's researches on *uṣūl*. These had been edited in two volumes entitled *Miṣbāḥ al-uṣūl* (published in al-Najaf in 1376/1957).

[2]*Mudhakkarāt ʿAbbās al-Khūʾī*, (i.e. the son of Imām al-Khūʾī), compiled and re-examined by Jawdat al-Qazwīnī (unpublished manuscript).

[3]*Ḥawza* is a group of *mujtahids* under whose authority and sponsorship teaching circles are held. The *mujtahid* is responsible to sponsor financially the teaching circles that are under his authority. He assigns a monthly salary to each disciple of the teaching circle, guiding him in his studies and researches.

[4]*Mudhakkarāt ʿAbbās al-Khūʾī*, fol.15.

upheld the non-political attitude of the *Ḥawza* towards the troubles associated with such a conflict.

This attitude can be compared to that of al-Qaṭīfī, a *mujtahid* who caused a breach inside the structure of the Marja'iyya by taking up a position in the tenth/sixteenth century against al-Karakī during the Ṣafawid period; or also, to a lesser degree, to al-Yazdī's towards al-Khurāsānī in the fourteenth/twentieth century during the constitutional dispute.

al-Khū'ī's refusal to attack the Iranian government openly led to the execution of some of his disciples, but he maintained his position, refusing to condemn the Iranian revolution and its leader, and even to pass any *fatwā* relative to the conflict. This refusal was perhaps, by itself, a kind of political position dictated by the circumstances.[1]

Meanwhile, some of the political powers in Iran were trying to restrict the religious leadership to Imām al-Khumaynī, considering the position as a political and spiritual one, in a way which diminished the importance of the other *marja's*. But this did not affect al-Khū'ī's popularity in Iran, nor did it persuade him to have new thoughts on his support for the revolution. In the earliest days, he sent a congratulatory message to al-Khumaynī on the occasion of the birth of the Islamic Republic. As well, he held ceremonies to commemorate the assassination of Murtaḍā Muṭahharī in 1399/1979,[2] not because he was a member of the council administering the revolution but because he was a religious scholar.

[1]Interview with Muḥammad Taqī al-Khū'ī, (the son of Imām al-Khū'ī), London, 5/11/1988. (Muḥammad Taqī al-Khū'ī died in suspicious circumstances in Iraq in 21/7/1994 at the age of 36).

[2]Interview with Muḥammad Taqī al-Khū'ī, London, 5/11/1988.

AL-ṢADR'S LEADERSHIP

Muḥammad Bāqir al-Ṣadr (1353-1400/1935-1980) became a prominent scholar, though al-Khū'ī remained the absolute *marja'* for the Shī'īs. Al-Ṣadr would have assumed the leadership of the Shī'ī world had he not been murdered in 1980. His purpose was to establish the guiding Shī'ī leadership (*al-Marja'iyya al-Rashīda)* which is competent to handle and deal with current Islamic affairs, and can rely on popular support.

al-Ṣadr lived at very remarkable era in the history of the Marja'iyya, which began in the early 1950s and continued until his murder after the emergence of the Iranian Revolution.

One can consider al-Ṣadr's role as comprising three stages:

1-During the leadership of al-Ḥakīm (1960-1970).

2-During the leadership of al-Khū'ī.

3-During his leadership in the struggle against the ruling Ba'th Party (1979-1980).

During al-Ḥakīm's leadership, al-Ṣadr's activities were limited to participation in the constitution of the Da'wa and writings to refute Communism and capitalism and assert the validity of Islamic laws. His writings mainly focused on philosophical and economic issues.

THE ROLE OF AL-ṢADR DURING THE LEADERSHIP OF AL-KHŪ'Ī

After the death of al-Ḥakīm, al-Khū'ī did not adopt the same firm positions towards the ruling party as his predecessor. He preferred not to involve himself in any confrontation, maybe due to al-Ḥakīm's failure, or because he

feared that some of his non-Iraqi entourage might be expelled from Iraq should they become involved in political activities.

But the time was so critical that a religious leadership was needed to tackle the current issues wisely.

al-Khū'ī showed himself to prefer religious matters rather than becoming involved in politics. This caused a sense of vacuum inside the Marja'iyya, which needed to be remedied by a *marja'* whose actions would rise to the level of the events.

In the first six years of al-Khū'ī's Marja'iyya, al-Ṣadr devoted himself to his studies and research, writing on *fiqh* and *uṣūl,* teaching and keeping the *Ḥawza* united. Among his works was his book *al-Fatāwā al-wāḍiḥa,* a simplified version of Islamic laws. He also wrote commentaries on matters of *fiqh* in al-Ḥakīm's *Minhāj al-ṣāliḥīn.*

Al-Ṣadr's activity has sometimes been described as being opposed to the high Marja'iyya led by his master al-Khū'ī. So in order to attenuate the strong and hostile protests reaching al-Khū'ī's ears, he emphasised "the distinction (to be made) between *fatwās* on religious matters, which each *mujtahid* is entitled to issue, and the engagements (to be observed) towards the Marja'iyya which are within the competence of a sole *mujtahid* ", as he assumed that "it is not allowed to divide the parties united within the high Marja'iyya and to create divisions inside it". Al-Ṣadr was trying in this way to silence the prominent personalities in his master's entourage and to dissuade them from creating frictions between him and his master.[1]

[1]We are in possession of the letter written by Muḥammad Bāqir al-Ṣadr in the presence of his master Abū al-Qāsim al-Khū'ī, in reply to a question he put to the attendants about his relations with his master. He answered the question himself (1396/1976).

Al-Ṣadr did not try to claim the position of *marja'* at this time for the following reasons :

1-The regime took several coercive measures to control his widespread popularity among the Iraqis, and adopted a policy of exercising pressure on his disciples. He was detained on three occasions.

2-The position of those who were members of al-Khū'ī's administrative circle was very isolated and discouraging because their interests might have been affected had al-Ṣadr assumed the leadership of the Marja'iyya. The situation worsened and this forced al- Ṣadr to cease his lectures in 1975. He resumed lecturing as an answer to a direct request from al-Khū'ī. By this al-Ṣadr had sent an indirect message to those around al-Khū'ī to stop spreading rumours that his disciples had engaged in politics.

Al-Ṣadr did not oppose the religious leadership during this period either, because of the obstacles put in his way by the government, which was preventing him from disseminating his views and opinions, threatening his disciples and even arresting him on many occasions.[1]

By 1397/1977, al-Ṣadr realised that al-Khū'ī was not politically competent to deal with Iraqi affairs at that time because of his total involvement in religious matters, and the position of those who were around him was not in compliance with the Shī'ī community interests and the Muslim Umma in general. So, al-Ṣadr decided to take the lead and disregarded al-Khū'ī's authority. He began from 1978 to take independent decisions, and his

[1]We were present at a public assembly held in al-Sadr's residence in al-Najaf, where Shaykh Muḥammad Jawād Mughniyya, a well-known Lebanese Islamic author, asked him not to interrupt his lectures; but al-Ṣadr insisted upon settling the problems which he and his disciples had been facing, particularly the accusations made against them by some religious men. From al-Ṣadr's point of view, these accusations would lead to fragmentation of the Marja'iyya, and the institution might implode, especially now that the government was also trying to carry things to this conclusion.

popularity attained new dimensions. His followers were society intelligentsia.[1]

A comparison between the characters of al-Khū'ī and al-Ṣadr show the following differences:

1- While al-Ṣadr was a descendant of a distinguished family, many of whom held positions of leadership, both religious and political, al-Khū'ī came from a family with no historical background, but he made its name well known.

2-al-Ṣadr was known for his intellectual writings before he became famous as a religious Marja', while al-Khū'ī was not very well known outside the religious organisation and circles of religious studies in the Najaf, before he became the High Marja'.

3- al-Ṣadr was in possession of a complete Islamic Project. His intellectual interests were varied, covering philosophy, commerce and sociology. He also employed *fiqh* in a modern manner from which he developed the Non Profit-making Islamic Bank, *al-Bank al-Lā rabawī fī al-Islām.*

In politics al-Ṣadr was instrumental in the formation of the Islamic Da'wa Party, after the Communist Party had managed to invade all classes of Iraqi society, especially amongst the Shī'ites and in the town of al-Najaf specifically. His opinion of party politics later underwent a change and in 1974 he issued a directive prohibiting students of theology from participating in the work of Islamic parties.

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[1]Following the rebellion of Ṣafar 1397/1977 caused by the prohibition of the Shī'ī religious decrees, the government gave permission to some journalists accredited in Iraq to interview al-Khū'ī. He declared that the Shī'īs enjoyed a quite good situation in Iraq, provoking the anger of al-Ṣadr, who had suffered torture and agression, and that of most of the Iraqi's, whatever their social class or culture may have been. This statement is thought to be one of the main reasons for the severance.

4- al-Ṣadr had access to different cultures and was well informed about the different intellectual schools in the West and the writings of philosophers and had challenged their theories[1]. In addition he specialised in *fiqh* and *uṣūl*, whence he undertook instructing students of higher studies to prepare them for Ijtihād.

His understanding of modern western theories was reflected in his usage of those theories in his different studies of *uṣūl*, *kalām*, and *fiqh*, as apparent in "Calculations of Probability" used in deducing legal judgements.

Al-Khū'ī, on the other hand, had concentrated all his efforts on his specialist subjects of the traditional sciences in the school of al-Najaf and he never showed any interest in modern methods.

THE EMERGENCE OF THE ISLAMIC REVOLUTION IN IRAN

The Iraqi people followed the progress of the Iranian revolution with great interest. This re-emphasised the importance of the religious institution and its competence in leading the political struggle. A great number of people began showing their support for the revolution by visiting al-Ṣadr as if he were an official *marja'*. The Iraqi regime, in order to ease the pressures put on it by the people, had appointed mosque Imāms to preach in accordance with the regime system. Moreover, it had directed its efforts to guaranteeing the support of the Iraqi tribes either by bribing them or by promises of social and educational reforms. Although events moved with an unprecedented

[1] In a letter to the writer (Jawdat al-Qazwīnī) on 21/5/1983, the Great Egyptian Philosopher Zakī Najīb Maḥmūd, said of al-Ṣadr:

The intellectual from which Muḥammad Bāqir al-Ṣadr presented in his writings, after he inspected the Western Cultures, demonstrates that there are things that may agree or disagree with these culture. In my opinion the correct think to plalt the two together. Zakī Najīb Maḥmūd died in Cairo in 1993.

swiftness, the regime did not abandon its vicious intention to destroy the Marja'iyya of al-Ṣadr, who used to be the strongest opponent of it. He felt that the regime's reprisals would certainly be directed towards him and his disciples. So he decided to take the initiative and issued his *fatwā* which made affiliation to the Ba'th Party religiously forbidden and adherence to the mosque Imāms whom the government had appointed forbidden as well. He decided to manipulate the resources available to him and adopt new measures to face the current situation. Internally, he sent his representatives to different cities and towns in Iraq, and got in touch with the Da'wa Party as well. He also made contacts with the Lebanese Shī'ī jurists in order to exert strong pressures on the Iraqi regime through the media.

One can ask, why did al-Ṣadr take such a serious decision to oppose the regime in spite of the limited prospects deriving from such a course?

There are two main reasons:-

1-His strong position which would force the regime to negotiate with him. He stressed his demands in his call to the Iraqi people on 20 Rajab 1399/1979. These were as follows :-

a-Freedom of practice in religious activities and rites.

b-To refrain from exerting pressures on ordinary Iraqis to join the Ba'th Party.

c-To release all those who had been arrested and imprisoned without any charges or proper court proceedings.

d-To hold a general plebiscite to decide on a free council to represent the people.

2-To persuade the regime to adopt his point of view that the Marja'iyya must not be attacked and destroyed while it was inactive. On the contrary, the Marja'iyya must prove to be dynamic and, if it was to be destroyed,should be seen in action first. His point of view is parallel to al-Ḥakīm's, which he expressed in the late 1960s in acting against the ruling regime.

When al-Ṣadr realised that the regime would not respond to his demands because of its uncompromising attitude, he had no alternative but to make a general move in which he prophesied that he would be the first sacrifice. His political action rested upon theoretical views which he derived from his 14 lectures on the meaning of history in the Qur'an, *Muḥāḍarāt fī al-tafsīr al-mawḍū'ī li-l Qur'ān* (Lectures on the objective exegesis of the Qur'ān) which he addressed to his disciples, who numbered around 150 students. al-Ṣadr started these lectures two months after the success of the Islamic Revolution and ended them on 1 June 1399/1979.[1]

A call was broadcast from Tehran Radio (Arabic Section), claiming to be dictated by al-Khumaynī himself, in which al-Khumaynī requested al-Ṣadr not to leave al-Najaf[2] in order not to create a vaccum which would lead to the collapse of the Marja'iyya. The message had to be understood as political and moral support for al-Ṣadr, but the call came during very critical circumstances when none would ever have thought of its seriousness to his life. Moreover, those who informed al-Khumaynī of the story of al-Ṣadr's intentions to leave al-Najaf had ulterior motives. Strangely enough, the

[1]al-Ṣadr, Muḥammad Bāqir, *Muḥāḍarāt fī al-tafsīr al-mawḍū'ī li-l-Qur'ān,* Beirut, 1982. In these lectures, al-Ṣadr proposed a prospective vision of the movement of history, interpreting some extracts from Islamic history to explain the current events.

[2]This is a translation of the original request broadcast on Tehran Radio in the name of al-Khumaynī to al-Ṣadr :-

"Reverend *Samāḥat Ḥujjat al-Islām wa l-Muslimīn al-Ḥājj al-Sayyid* Muḥammad Bāqir al-Ṣadr,

" We have heard of your intention of leaving Iraq because of some events [pressures from the Ba'th regime]. I feel that it is not of interest to leave al-Najaf, the centre of the Islamic Scholarship. I am worried about your decision {leaving al-Najaf}. I hope that God wills to dissipate your worries. Peace be upon you and God's mercy and blessings".

language used to address al-Ṣadr did not conform with his status and the responsibilities placed on him to protect the *Ḥawza*.

However, in reply to al-Khumaynī's request, a recorded message from Muḥammad Bāqir al-Ṣadr was broadcast on Tehran Radio (Arabic Section) (1 June 1979) in which he congratulated al-Khumaynī on his victory and directly gave him the impression that he would stay in al-Najaf, regardless of the difficult circumstances.

The influences of these exchanges between the two were felt by every section of Iraqi society and delegates paid their tributes to al-Sadr. These delegates reflected two undeniable facts :-

1-The popularity of al-Sadr among the Shī'ī community.

2-A change of nationality, i.e, al-Ṣadr was the first *marja'* who did not have any non-Arab family affiliations, and these delegates were considered by the regime to herald the beginnings of a real Islamic threat to the regime.

The regime had to take into consideration three factors:-

1-The victory which al-Khumaynī achieved in Iran stressed the fact that a similiar success might be achieved in Iraq under the leadership of al-Ṣadr.

2-All other political parties and opponents had been eliminated by the regime. The Islamic threat was the only one which was dominant and strong under his leadership.

3-The regime found itself in a very awkward situation and decided to act ruthlessly against everyone who might show any allegiance to Islam. It took fresh measures to justify its actions and among them was the issue of a decree[1] which made joining any Islamic party, and particularly al-Da'wa, parallel to

[1]Decree No.461 issued on 31/3/1980.

committing a serious crime whose punishment would be nothing but execution, and by this the regime created the first concrete grounds for accusing al-Ṣadr of treason and getting rid of him. Immediately after, the regime arrested al-Ṣadr on 16 Rajab 1399/12 June 1979 and held him in secret detention under the control of the General Security Department in Baghdad. However, when the news of his arrest broke, many uprisings and demonstrations took place in almost every city in Iraq, which forced the regime to release him the same night. The regime adopted a new policy and began directing its efforts to eliminating his supporters, especially his representatives, while he was held under a house arrest which lasted nearly eight months.

During the intervening period (between 16 Rajab and mid-Sha'bān) there were signs that the deterioration in the relationship between the Marja'iyya and the regime was about to be solved. In a telephone conversation to al-Ṣadr, the head of the Iraqi Security, Fāḍil al-Barrāk, expressed, on behalf of the regime, his willingness to end the tension. Strangely enough, this proposition was made to al-Ṣadr after the regime, in fact, had executed a large number of his supporters. The regime intended to intimidate and corner him by reiterating their own demands, among which was to force him either to issue a *fatwā* against the Da'wa party or to legitimize joining the Ba'th party, while condemning the revolution in Iran.[1]

As these demands were contradictory to al-Ṣadr's beliefs and principles, he refused to yield, after which he issued an urgent call to the Iraqi people encouraging them to rise and overthrow the regime. He prophesied at the close of his call the inevitable end which he had to face for settling his scores with the regime.[2] When the regime was sure of its strong position through

[1]Informal discussion between the writer and Ḥusayn al-Ṣadr, London, 1 February, 1990.

[2]Najaf, 'Alā', *al-Shāhid al-shahīd,* p.129.

elimination of his supporters, it detained al-Ṣadr in a secret camp in Baghdad on 5 April 1980 and after five days he died under physical torture. His sister, Āmina, known as Bint al-Hudā, died in the same way.

There were many important reasons underlying al-Ṣadr's murder. He was the only religious leader who had built bridges with non-religious parties in Iraqi society, who used to respect him because of his objective analyses and discussions with the members of the new generation. There had been a search for an intellectual basis for their future reaction after their experiences with the Nationalists and Communists proved to be a fiasco. al-Ṣadr's writings satisfied such needs and attention was turned to Islam as an answer to man's social and economic problems. He used also to be a kind of deterrent against the regime's decision to go to war against Iran.[1]

His departure created a vacuum in the political and intellectual life of the Shī'īs of Iraq, in particular, and the Shī'īs of the world in general.

THE INTELLECTUAL ASPECTS OF THE SCHOOL OF AL-NAJAF (SECOND PHASE)

This phase is marked by the intellectual fervour of al-Sayyid Muḥammad Bāqir al-Ṣadr's studies. These studies are considered to have brought about a qualitative change in the syllabus of Najafī theological studies.

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[1]For the role of al-Ṣadr in the Islamic history of Iraq see Mallat, Chibli, "Religious militancy in contemporary Iraq: Muḥammad Bāqir al-Ṣadr and the Sunni-Shi'a paradigm", *Third World Quarterly*, vol.10, No.2, April 1988, pp.699-729. Wiley, Joyce N., *The Islamic Movement of Iraqi Shi'as*, Boulder, 1992, pp. 119-143. Batatau, Hanna, "Shī'ī organizations in Iraq: al-Da'wa al-Islāmiyya and al-Mujāhidīn", *Shi'ism and Social protest*, edited by Juan R.I.Cole, and Nikki R.Keddie, Yale University Press, 1987. Aziz, T. M., "The role of Muḥammad Bāqir al-Ṣadr in Shī'ī political activism in Iraq from 1958-1980", *International Journal of Middle East Studies*, 25, 1993, pp.207-222. Also see Aziz, "The meaning of History : A study of the views of Muḥammad Bāqir al-Ṣadr", *Islamic Studies*, Vol.31, No.2, 1992, pp.119-143. Mallat, *The renewal of Islamic law*, p.188, chapter title "The costs of renewal".

Despite the presence of two *mujtahids,* Muḥsin al-Ḥakīm and Abu al-Qāsim al-Khū'ī, as the leaders at this time, the studies they presented did not differ much from the method the earlier *mujtahids* had used. Al-Ḥakīm is well known for his book *Mustamsak al-'urwa al-wuthqā* (Strong handle to grasp, i.e.document of firm guidance) which is an explanation of *al-'Urwa al-wuthqā* written by Sayyid Kaẓim al-Yazdī.

al-Khū'ī was known for his many works on *fiqh*, *uṣūl*, and other areas. He wrote *Mu'jam Rijāl al-Ḥadīth* (Encyclopedia of Ḥadīth Narrators) in 24 volumes and he also made many *fiqh* additions to al-Ḥakīm's book *Minhāj al-ṣāliḥīn* (The Path of the Righteous), as if he wanted to open a new page in *fiqh* explanation by providing a transition from *al-'Urwa al-wuthqā* to the *Minhāj al-Ṣāliḥīn,* based on a detailed discussion of several *fiqh* problems .

al-Khū'ī is best known for the many reports *(taqrīrāt)* accumulated from his students in *fiqh* and *uṣūl*, which no other *mujtahid* had achieved before him.[1]

AL-ṢADR'S WORKS

Muḥammad Baqir al-Ṣadr's works are considered to mark a new intellectual phase, as they comprised serious modern studies on the one hand and, on the other, a departure from the *uṣūl* methods known to the Najaf milieu.

The first stage covered the 1960s and the early 1970s. Al-Ṣadr worked to fill the intellectual vacuum in which the Islamic circles were stagnating, especially after the emergence of the Communist Party in Iraq.

[1]More than 50 books have been published under his name. See al-Khū'ī, *Mu'jam rijāl al-ḥadīth*, Vol. XXII, p.17-21.

Since they were not yet ready to face these challenges, Islamic scholars were in a quandary about what alternatives they should present to show their independence from and relevance to the situation of the time.

Under such difficult circumstances, al-Ṣadr presented two studies, the first under the little *Falsafatunā* (Our Philosophy, 1959), and the second *Iqtiṣādunā* (Our Economy, 1961). In the first he tackled two comparative philosophical problems of the material philosophical system. These are the theory of knowledge and the philosophical concept of the world. He criticized Marxist philosophy severely, and the response of the Iraqi Marxist philosophers remained weak for three decades, until their complete overshadowing with the collapse of Communism in the world at the beginning of the nineties.

As for his second book *Iqtiṣādunā*, in it he discussed both Communism and Capitalism, presenting his own ideas of Islamic economic theory.

The second stage started at the beginning of the 1970's and ended with Ṣadr's martyrdom in 1980. During this period his influence on the religious establishment increased as his intellectual and practical efforts were concentrated on trying to develop the establishment in three ways :-

1-By creating a theory of guiding authority (*al-marja'iyya al-rashīda*).

2-By replacing old books with new ones.

3-By indicating how his *fatwās* might be put into practice (i.e the development of *al-Rīsāla al-'amaliyya*)

The religious Marja'iyya depends mainly on the person on the *marja'*, who is elected to be the supreme authority for the Shī'ī sect. This will depend on his excellence in religious achievements relating to the Sharī'a. When the *mujtahid* attains the level of *marja'* his world-wide responsibilities are such as to require a full administrative staff to support the *marja'*. This individualistic system caused problems within the religious organization as most decisions were made, one way or the other, by the administrative staff, which was made up mostly of the *marja'*s immediate family or near relatives. This is why Muḥammad Bāqir al-Ṣadr presented his own ideas of a different administrative religious Marja'iyya on the following bases :-

First: To change the Marja'iyya from an individualistic into a permanent organization which does not cease with the end of the term of the individual *marja'*, but continues to run the affairs of the sect in a uniform manner.

To this end, he suggested a planning and executive-administrative set-up on the basis of specialized qualifications, division of work and assimilation of all aspects of the *marja''s* work.

Al-Ṣadr considered this administrative organization as an alternative to the present system where the relatives of the *marja'*, who are mostly non-specialists, take over the running of affairs. This system is usually referred to as *al-ḥāshiyya* or 'the Entourage' and al-Ṣadr suggested its transformation into a gathering with clear and visible objectives.

Committees could be formed in the administration as follows :-

1-The Scholarly affairs follow-up committee :-

a-To oversee and arrange studies.

b-To look into publishing new works.

c-To contact people of good standing outside the *Ḥawza* in order to co-operate in scholarly fields.

2-A financial committee :-

To oversee the revenues contributed by Shīʻīs from all over the world and find ways of supplementing and increasing the resources.

3-A Committee to take care of Islamic work and to respond to the needs of the believers in the world at large.

Secondly: To found a wider following for the Marjaʻiyya, representing most of the Shīʻī *ʻulamā'* all over the world.

In this way al-Ṣadr was aiming at freeing the Shīʻī *ʻulamā'* and other individuals from allegiance to the supreme authority or religious organization. To achieve this, supreme authority is changed from personal to collective leadership through a council comprising Shīʻī intellectuals.

Thus the *mujtahid's* powers inside the council fall within his specialization and the representatives of the *marjaʻ* feel that they are indeed taking part in decision-making and in implementing the policy of the guiding Marjaʻiyya through the committees within the organization.

Thirdly: To eliminate any time-lag between the former Marjaʻiyya and the new, and ensure that the latter would continue from where the former finished in order to attain the same long-term goals.[1]

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[1]See *al-Marjaʻiyya al-Ṣāliḥa* in Al-Hā'irī, Kāẓim, *Mabāḥith al-uṣul,* pp.91-100.

Al-Ṣadr aimed at replacing the old *uṣūlī* books with new ones he had compiled himself, beginning with the first stage and continuing to the final one to enable the student to attend a high circle of *Ijtihād* in what is called *Baḥth al-Khārij,* 'External Studies'. For this purpose he wrote *Durūs fī 'ilm al-uṣūl.*[1]

The reasons which drove al-Ṣadr to create these courses originated in the fact that the old *uṣūl* books currently in use had represented a historical stage of the discipline belonging to the previous century. The study of *uṣūl* had progressed since then and had been enriched by expertise in research, which was transmitted in a new vocabulary. The old books were not written specifically for tuition, and did not take logical presentation into account, but they stated their writers' points of view on the studies in *uṣūl al-fiqh.* Therefore those who understood them were a special group of *'ulamā'* who had attained a high degree of intellectual comprehension, as if the writers were compiling their books not for learners but for their peers.[2]

In view of what al-Ṣadr contributed to *uṣūl,* al-Ḥā'irī considers his work as heralding a new age for this science. Until then, the intellectual school started by Murtaḍā al-Anṣārī (d. 1281/1864) had dominated the field and the views presented by this jurist in his book *Rasā'il al-uṣūl* became part of the syllabus which enabled students to reach the stage of *Ijtihād*. Al-Ḥā'irī mentioned new examples of *uṣūlī* intellectualism which al-Ṣadr had introduced for the first time into *uṣūl* and which no one had undertaken before. He also gave examples of al-Ṣadr's lectures in which he contradicts other *uṣūlī* principles

[1]See al-Ṣadr, Muḥammad Bāqir, *Durūs fī 'ilm al-uṣūl,* 3 Vol., Beirut, 1978.
[2]al-Ṣadr, *Durūs fī 'ilm al-uṣūl* , Vol. 1, p.221.

established before his time, and lastly he gave other examples which the *faqīh* had corrected and added to his own views as they developed.[1]

AL-RISĀLA AL-'AMALĪYYA

One of the ways in which al-Ṣadr had clarified the study of *fiqh* was to write the book called *al-Fatāwā al-wāḍiḥa,* which is similar to the *rasā'il* a *mujtahid* usually writes to his followers in order to make his opinions known.

What distinguishes *al-Fatāwā al-wāḍiḥa* from other *fiqhī* books is its simple, modern language and the use of realistic present-day problems. Such *rasā'il* previously had provided no more than old samples which had no application in this day and age. They were also written in a language which was hard to understand, except for the few who were specialists in this field, and it was difficult for the non-expert to understand the *mujtahid's* legal utterances.

As for the classification of *fiqh* categories, which was mentioned when discussing the school of al-Ḥilla, al-Ṣadr managed to classify those categories on a different basis from that laid down by al-Muḥaqqiq al-Ḥillī in his book *Sharā'i' al-Islām* seven centuries earlier and followed by the *fuqahā'* after him.

The *Fatāwā al-wāḍiḥa* was supposed to be published in several volumes, but only one has appeared so far. In its introduction the author again mentions his intention of re-classifying the *fiqh* categories.

The old categories were classified into four groups:-

[1]al-Hā'irī: *Mabāḥith al-uṣūl,* Vol.1, p.60. It is worth noting that Maḥmūd al-Hāshimī, one of al-Ṣadr's distinguished students, has edited and published al-Ṣadr's lectures, *Buḥūth fī 'ilm al-uṣūl,* which were designed for advanced leavel, in 8 volumes, Qumm, 1989.

1-*al-'ibādāt* (worship) includes *al-ṭahāra*, *al-ṣalāt*, *al-zakāt, al-khums, al-ṣawm*, *i'tikāf, al-ḥajj*, *'umra, jihād, al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar.*

2-*al-mu'āmalāt* (transactions) includes *al-mīrāth, al-qaḍā'* (judgements), *al-shahādāt* (testimonies), *al-ḥudūd* (fixed penalties), *al-ta'zīrāt* (discretionary punishments), *al-qiṣāṣ* (equality in punishment), *al-diyāt* (compensations).

3-*al-īqā'āt* (registrations) such as *al-ṭalāq, al-khul'*,[1] *al-mubāra'a*,[2] *al-īlā'*.[3]

4-*al-'uqūd* (contracts) such as *al-tijāra, al-rahn, al-waqf, al-muzāra'a.*

The *Fatāwā al-wāḍiḥa* offers a new classification system :-

1-*al-'ibādāt* (worship) which, like earlier classifications, includes *al-ṭahāra* , *al-ṣalāt*, *al-ṣawm*, *i'tikāf, al-ḥajj*, *al-'umra.*

2-*al-amwāl* (monies).

a-*al-amwāl al-khāṣṣa* (private funds).

b-*al-amwāl al-'āmma* (public funds), including : *zakāt* (alms), *khums* (the fifth), *al-anfāl* (spoils), and *al-kharāj* (land tax).

3-*al-sulūk al-khāṣṣ* (private attitude), which is the behaviour and activities of people that are not concerned with funds or prayers, and it covers two spheres:-

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[1]*Al-Khul'* is when a husband and wife, disagreeing, or for any other cause, the wife, on payment of a compensation or ransom to her husband, is permitted by the law to obtain from him a release from the marriage tie. See Hughes, *Dictionary of Islam*, p. 200.

[2]*al-Mubāra'a* is a divorce which is effected by a mutual release, Hughes, p.90.

[3]A form of divorce in which a man makes a vow that he will not have relations with his wife for not less than four months and observes it inviolate. The divorce is thereby effected *ipso facto*, without a decree of separation from the judge. Hughes,p.200.

a-That which concerns the relationship between man and woman (marriage, divorce, *khūl'* (divorce at the petition of the wife), *al-mubāra'a*).

b-That which concerns human relations. It covers food, clothing, dwellings, behaviour, rules of consecrations, oaths and pledges, hunting and slaughter, commanding fairness and prohibiting evil.

4-*al-sulūk al-'āmm* : the attitude of the leader of the *Umma* towards public affairs in making judgements and exercising justice in war and international affairs. Under this heading come general rules of government and justice, testimonies, legal punishments, Holy War etc.[1]

al-Ṣadr's classification takes two important factors into consideration:

1-The thematic one where al-Ṣadr has re-grouped all those activities that deal, for example, with finance under one heading.

2-He differentiated between the state and individual responsibilities, and re-grouped *al-jihād*, *al-ḥudūd*, and *al-qaḍā'* under public behaviour (*al-sulūk al-'āmm* (state responsibility)).

al-Ṣadr's classification stems from his awareness of the relationship between the Islamic state, its duties and the role of the individual in it. In other words, the classification is formulated as if there had been an existing Islamic state.

THE PHILOSOPHY OF HISTORY IN THE QUR'ĀN

Al-Ṣadr delivered lectures on the interpretation of the Qur'ān under the title *Sunan al-tārīkh fi al-Qur'ān* (The philosophy of History in the Qur'ān). The book consists of 14 lectures. It was mentioned before that these had taken the form of political lectures. During the struggle that erupted after the

[1]Al-Ṣadr, Muḥammad Bāqir, *al-Fatāwā al-wāḍiha*, Beirut, 1982, pp.132-134.

advent of the Islamic Revolution in Iran in the year 1979, al-Ṣadr used to justify his struggle with the government as being in accordance with a religious theory that was taken from the Qur'ān.

Al-Ṣadr knew from the beginning that he risked death in this struggle and he mentioned in his third lecture that he would be unable to complete the interpretation of the Qur'ān due to the limited time left to him,[1] and he mentioned that his turn was about to come,[2] meaning that he, in the struggle in which he found himself, must be one figure in a long list the government could not ignore in its process of systematic elimination of opposition figures.

He therefore tried to turn the struggle with the government from a political struggle to one of ideology built on Qur'ānic justification. The paths he followed in his lectures could be summarised as follows:-

1-He mentioned that his struggle with the government was not in an area which would generate the support that would enable him to succeed and triumph because it lacked the elements which would allow it to do so. Victory, as he saw it, is not achieved without some basic prerequisites, and the present struggle depended on a divine as well as on a human element.

As the struggle in the arena of history is between humans, the victory would be on the side that assembled the elements of success. He also mentioned that the Qur'ān threatened certain groups with isolation according to the rules of history and that others who were better equipped would take over.

According to al-Ṣadr's interpretation, the Qur'ān stood against the rational interpretation of change of events and emphasised the historical laws of

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[1]al-Qazwīnī, Jawdat, "Sibq al-Qur'ān li waḍ' al-Qānūn al-Tārīkhī", *Risālatunā*, No.6, Beirut, 1983, pp.3-40.

[2]al-Ṣadr, *al-Madrasa al-Qur'āniyya*, p.152.

change a very long time before the philosophers of history, such as Ibn Khaldūn,[1] claimed to have discovered them.[2]

2-Al-Ṣadr accused the government of dictatorship, and called it a "Pharaonic authoritarian rule" which tries to close people's eyes to the present situation.[3] He also said that the building-up of the personality of a human being must be done in a free way, unhindered by outside influences.

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[1]al-Qazwīnī, "Sibq al-Qur'ān", p.38.

[2]al-Qazwīnī, Jawdat, "al-Sāḥa al-Tārīkhiyya : Qirā'a fī fikr al-Shahīd al-Ṣadr", *al-Munṭalaq*, No. 24, Beirut, 1984, pp.112-122.

[3]al-Ṣadr, p.152.

CHAPTER V1

THE SCHOOL OF QUMM

HISTORICAL INTRODUCTION

Qumm was one of several villages scattered in the plain just south of Tehran. There are no true remains which may show us the history of the city and its early inhabitants. However, it was inhabited in the year 83/702,[1] by an Arab family, al-Ash'ariyyūn, who had been in opposition to the Umayyads at the end of the first century of the Hijra.

al-Ash'ariyyūn came from al-Kūfa after their chief Muḥammad ibn Sā'ib al-Ash'arī had been put to death by al-Ḥajjāj ibn Yūsuf al-Thaqafī (d. 95/714), who was governor of Iraq under the later Umayyads. The whole tribe left Iraq for Irān and settled at Qumm, which was at that time a small village. They protected it from attacks by the Daylamīs. Throughout time, peace and settlement were behind the expansions of these villages and their integration.

Qumm began to grow after the death in the year 201/816 of Fāṭīma, the daughter of the eighth Shī'ī Imām Mūsā ibn Ja'far al-Ṣādiq, and her burial there. She was on her way to visit her brother the Imām al-Riḍā (the eighth Imām), who was at Marw, after his recent appointment as representative in Khurāsān of Ma'mūn, the Abbasid caliph.

The Ash'ariyyūn reached the peak of their influence when they became the leaders of the city of Qumm and its surrounding villages. The Sunnī rulers

[1] al-Qummī, al-Ḥasan ibn Muḥammad, *Kitāb Qumm*, Tehran, 1935, ed.by Jalāl al-Dīn al-Muḥaddith, p.242;al-Ḥusaynī, Muḥammad ibn Hāshim, *Khulaṣat al-Buldān*, Qumm, 1975, ed. by Ḥusayn al-Mudarrisī, p.172.

subjected them to brutal persecution, their influence declined and they disappeared in the middle of the fourth/tenth century.[1]

Qumm was renowned in the Saljūq period for its *madrasas*, for the sanctuary of Fāṭima, and for its religious foundations. Many *'ulamā'* were known by the *nisba* al-Qummī. At the time of the Mongol conquest in 621/1224, its inhabitants were massacred, possibly at the instigation of the Sunnīs. It seems, however, that there was an attempt at reviving the region under the Īlkhāns, as evidenced by some important hydraulic constructions. It seems that the Tīmūrides showed respect and favour to this holy city. It was in any case from the ninth/fourteenth century onwards that the town began to enjoy definite royal patronage. The Turkoman Sulṭāns used it as a kind of winter capital for hunting, and this tradition was continued under the earlier Ṣafawids, Ismā'īl I and Ṭahmāsp I , but it was above all the religious policy of Shāh 'Abbās I which endowed Qumm with an unprecedented glamour. The sanctuary was embellished, and two of its four *ṣaḥns* were transformed into a *madrasa* with a hostel for visitors. Many *'ulamā'* came to Qumm to study, men such as Mulla Muḥsin al-Fayḍ, and Mulla Ṣadra al-Shīrāzī.[2]

At the start of the Qājārī regime (1193/1779) a new intellectual resurgence started at Qumm but remained local in its effects until the advent of the fourteenth/twentieth century when the Qumm scholarly centre advanced under the guidance of al-Shaykh 'Abd al-Karīm al-Ḥā'irī al-Yazdī (1276-1355/1860-1936), whose name became associated with the resurgence.

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[1]Calmard, J., "Ḳum", *Encyclopaedia of Islam,* Vol. V, Leiden 1986, p. 369-372; Shimamoto, Takamitsu, "Some reflections on the origin of Qum :myth and history", *Orient*, Vol. XXVII, 1991, pp.95-113; al-Shahrastānī, Ṣāliḥ, "*al-Ash'ariyyūn*", *Dā'irat al-Ma'ārif al-Shī'iyya*, ed. by Ḥasan al-Amīn, Vol.II, p.6 and Vol.IV, p.222 under the item "Qumm".

[2]Calmard, op, cit., p. 371.

AL-SHAYKH AL-ḤĀ'IRĪ

Al-Ḥā'irī was known among Iranians as an authoritative *mujtahid* to be consulted on legal decisions. He concentrated his efforts on organizing studies and supporting a group of renowned religious figures. One of these students who subsequently became very well known was Āyatallāh al-Khumaynī (1320-1410/1902-1989). Another was Āyatallāh Muḥammad Riḍā al-Gulbaykānī, who limited his activities to Qumm and died there in 1412/1993.

Although al-Ḥā'irī lived through a difficult time in Iranian history, after the fall of the Qājārī regime with the coup of Riḍā Pahlawī, nevertheless he managed to shield the religious establishment in Qumm and maintain its independence. He would not permit men of religion to become government officials, even in their own field of law.

al-Hā'irī's efforts to protect the religious establishment in Qumm and his high qualifications in religious knowledge and traditional scientific methods enabled him to bring about a renaissance in the city after a long period of stagnation. His name lives on as the initiator of the modern scholarly renaissance of Qumm.

The movement associated with him produced a group of *mujtahids* who followed in his path. Although al-Ḥā'irī was not known to have indulged in politics or opposition to the regime, some of his students were open in their objections to the government and under Āyatallāh al-Khumaynī finally succeeded in bringing down the Iranian regime after 50 years of opposition to it.

After the death of al-Ḥā'irī Ṣadr al-Dīn al-Ṣadr (1296-1373/1879-1954) became the leader in Qumm. He was active in several fields. He built many

mosques and religious schools and kept religious education flourishing in a number of Iranian cities. He wanted to make Qumm a centre of religious education to which students would converge from all over the country. Under his leadership the number of students in Qumm reached five thousand, whereas in al-Ḥā'irī's time there were only three hundred.[1]

On the death of Ṣadr al-Dīn al-Ṣadr, Sayyid Ḥusayn al-Burujardī (d. 1380/1961) took over the leadership, at a time when Sayyid Muḥsin al-Ḥakīm was supreme in al-Najaf.

al-Burujardī followed in the steps of the *fuqahā'* before him and took part in a project to compile the Ithnā'sharī *ḥadīths* into a corpus, fourteen volumes of which were printed and given the title *Jāmi' aḥādīth al-Shī'a*. He formed a committee to re-arrange *ḥadīths* in a thematic way.

Although al-Burujardī did not attempt to compile a comprehensive collection specifically to rid the Ithnā'asharī *ḥadīths* of weak, untraceable material, as the Shaykh Ḥasan Ibn al-Shahīd al-Thānī had done in the eleventh/seventeenth century in his book *Muntaqā al-Jumān fi al-aḥādīth al-ṣiḥāḥ wa-l-ḥisān*, nevertheless al-Burujardī's work was a major advance in the development of *ḥadīth* studies. These two attempts were much appreciated by Shī'ī scholars as they rid the Imāmī *ḥadīths* of weak material which was difficult to verify.

[1]Interview with Sayyid Riḍā al-Ṣadr (London, 1990), one of the *faqīh's* sons who was also a *mujtahid* in his own right and a philosophy lecturer in Qumm. Another son was the Imām Musā al-Ṣadr who was active in politics in Lebanon and disappeared during a visit to Libya in 1970. Sayyid Riḍā al-Ṣadr died in 1/11/1994.

THE MUJTAHIDS OF QUMM

After the death of al-Burujardī in 1380/1961 the leadership in Qumm was shared by more than one *mujtahid.* The most prominent were Muḥammad Kāẓim Sharī'atmadārī (1322-1407/1904-1987), Shihāb al-Dīn al-Mar'ashī (1318-1410/1900-1990), and Muḥammad Riḍā al-Gulbaykānī (1316-1412/1898-1993) while in al-Najaf the Sayyid Muḥsin al-Ḥakīm was still the undisputed leader, his leadership having gained strength after the death of al-Burujardī.

The *mujtahids* of Qumm took part in very important educational projects. Sharī'atmadārī initiated a Shī'ī information centre which helped in publishing Shī'ī books through a specialized publishing group. Shihāb al-Dīn al-Mar'ashī founded a large library which was filled with a magnificent collection of texts (70,000 volumes, including 15,000 manuscripts),[1] making it one of the best-known libraries in the Muslim world.

After the death of al-Ḥakīm in 1390/1970 none of the *mujtahids* from Qumm attained the eminence of Abu al-Qāsim al-Khū'ī, who became the undisputed leader in al-Najaf. The leadership in Qumm remained a more localized matter.

ĀYATALLĀH AL-KHUMAYNĪ

Alongside the religious leadership that emerged following the death of al-Burujardī, a political leadership also appeared in the person of Āyatallāh Rūḥallāh al-Khumaynī, who was known as an anti-Royalist and the initiator of a movement against Shāh Muḥammad Riḍā Pahlawī. This ended in a

[1]See Husaynī, Aḥmad, *Fihrist Nuskhahāy khaṭṭī Kitāb Khāna 'Umūmī Haḍrat Āyat Allāh al-'Uzmā Najafī Mar'ashī,* 18 Volumes, Qumm, 1975; Calmard, op.cit, p. 371.

crackdown by the government on the movement in 1383/1963, resulting in the death of a number of the students of the religious school in Qumm.

al-Khumaynī was exiled to Turkey after his arrest and finally settled in al-Najaf in the year 1385/1964 where he taught and at the same time intensified his opposition to the Iranian regime. He was forced to leave Iraq for Kuwait at a time when the climate was hot and demonstrations against the Shāh had reached their peak, but Kuwait refused to receive him. The troubles which convulsed the whole of Iran in 1978 began in Qumm between the 7th and 9th of January1978. In October 1978 al-Khumaynī took refuge in France, at Neauphle-1e-Château, whence he led the opposition which caused the Shāh's departure from Iran.[1] al-Khumaynī returned to Tehran (1 February 1399/1979) when the revolution against the Shāh succeeded and he became leader and founder of the Islamic Republic of Iran.

Al-Khumaynī implemented his theory of *wilāyat al-faqīh* by forming a type of government in which both religious and political leadership remained in his hands until his death in 1410/1989.

The revolution of Imām al-Khumaynī raises memories of the struggle of the *fuqahā'* establishment in the person of al-Karakī against some of the official Ṣafawid trends in the tenth /sixteenth century and the continuation of this struggle in various forms until the time of the Pahlawīs. It was as if al-Khumaynī had adopted al-Karakī's method of struggle to impose the will of the *fuqahā'* on the political arena and to keep a hold on the reins of government. More than four centuries elapsed between al-Karakī's initiation of the struggle and its successful conclusion at the hands of al-Khumaynī.

With the success of the Islamic Revolution in Iran two things became apparent :

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[1]Calmard, op., cit, p. 372.

1-The duty of the *faqīh* had changed from what it was before, his line of activity running parallel to the line of the government. In times of disagreement he had been considered only as a counselling and guiding influence, whereas the role of the *faqīh* now changed and became more positive after al-Khumaynī became head of the government.

In other words, in their struggle against the despised regime before the rise of al-Khumaynī, the religious Marja'iyya had not aspired to become a replacement for the political forces. Al-Khumaynī became at the same time a religious and political leader, a new development in the history of the *fuqahā'* in general and in the history of Iran in particular. The political and religious leaderships became identical.

2-The theory of *wilāyat al-faqīh* was a natural outcome of the struggle between the political authority and the *fuqahā'* establishment and was developed because of the change that took place in the religious duties of the *faqīh* and his active role in political life. Both the religious and the political authority were in the *faqīh's* hands and this was paralleled by subsequent developments within the Iranian community.

WILĀYAT AL-FAQĪH

After the success of the Iranian Revolution in 1979, al-Khumaynī put *wilāyat al-faqīh* into practice. He was the first *faqīh* to publicise it.

During his exile in Iraq (1964-1979), Imām al-Khumaynī examined the theory of *wilāyat al-faqīh* in a series of lectures which were published at al-Najaf in 1969 under the title *al-Ḥukūma al-Islāmiyya* (the Islamic government). In these lectures he persuaded his disciples to carry out their

religious duties to establish the foundations that help in building up the Islamic state.

Some scholars claimed that the theory of *wilāyat al-faqīh* was originated by Shaykh Murtaḍā al-Anṣārī (d. 1281/1864).[1] In fact, al-Shaykh Aḥmad al-Narāqī (d.1245/1829) is considered the pioneer jurist who had written about the theory in his *'Awā'id al-ayyām.*[2] According to al-Narāqī the *wilāyat al-faqīh* is as unrestricted as the prophets, and infallible Imāms' *wilāya* on the Islamic *umma*, because in his opinion, the *faqīh* is the representative of the hidden Imām at his occultation, and he acts in the Muslims' interest.[3] al-Khumaynī has adopted the same opinion.[4]

According to the Iranian constitution, the leader (*walī al-amr*) must possess the following necessary qualifications: scholarship, piety, political and social perspicacity, courage, strength and the necessary administrative abilities for leadership. If there is no such a person, the position may be occupied by a leading council (*majlis qiyāda*) whose members should not be less than three or more than five.

The constitution has authorised the leader (*walī al-amr*) or the leading council to carry out the following duties:

1-Appointment of the *fuqahā'* to the Guardian Council (*Majlis Ṣiyānat al-Dustūr*).

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[1]Calder, Norman, "Accommodation and Revolution in Imami Shi'i Jurisprodnce:Khumayni and the Classical Tradition", *Middle Eastern Studies,* 18, 1982, p.16.

[2]See Dabashi, Hamid, "Mulla Aḥmad al-Narāqī and the Question of the Guardianship of the Jurisconsult *Wilayat al-faqīh*", in Naṣr, (eds.), *Expectation of the Millennium: Shi'ism in History,* New York, 1989, pp.287-300.

[3]al-Narāqī, Aḥmad, *'Awā'id al-ayyām min muhimmāt adillat al-aḥkām*, Tehran, Lithograph, 1849, and re-printed by offset at Qumm, 1982.

[4]al-Khumaynī, Ruḥ Allah, *al-Ḥukūma al-Islāmiyya,* Beirut, 1972, p.116.

2-Appointment of the Supreme Judicial Authority (*Majlis al-Qaḍā' al-A'lā*) of the country.

3-Supreme command of the armed forces, exercised in the following manner:

a-Appointment and dismissal of the Chief of the Joint Staff.

b-Appointment and dismissal of the Chief Commander of the Islamic Revolution Guards Corps (*Ḥaras al-Thawra al-Islāmiyya*).

c-Formation of the Supreme National Defence Council, composed of the following seven members:

-the President.

-the Prime Minister.

-the Minister of Defence.

-the Chief of the Joint Staff.

-the Chief Commander of the Islamic Revolution Guards Corps.

-two advisers appointed by the leader.

d-Appointment of the supreme commanders of the three wings of the armed forces, on the recommendation of the Supreme National Defence Council.

e-the declaration of war and peace, and the mobilisation of the armed forces, on the recommendation of the Supreme National Defence Council.

4-Signing the decree formalising the election of the President of the Republic by the people. The suitability of candidates for the Presidency of

the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Guardian Council and, in the case of the first term (of the Presidency), by the Leadership.

5-Dismissal of the President of the Republic, with due regard for the interests of the country, after the Supreme Court holds him guilty of the violation of his constitutional duties, or after a vote of the National Consultative Assembly testifying to his political incompetence.

6-Pardoning or reducing the sentences of convicted persons, within the framework of Islamic criteria, on a recommendation (to that effect) from the Supreme Court.

It is worth mentioning that the ordinary Iranian, according to the constitution, has the right to elect the Majlis members who will empower the qualified candidate to be the leader (*walī al-amr*). This process will give the leader the divine legitimacy for his appointment through endorsement by the people.[1]

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As for the status of the religious establishment in Qumm after the success of the Islamic Revolution in Iran in 1979, two of the most senior clergy, Muḥammad Riḍā al-Gulbaykānī and Shihāb al-Dīn al-Mar'ashī, fully supported the revolution, whereas another *mujtahid*, Kāẓim Sharī'atmadārī protested at the involvement of *'ulamā'* in any role in the administration, and he deplored the practices of some of his fellow *'ulamā'*.

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[1] See *Dustūr al-Jumhuriyya al-Islāmiyya al-Īrāniyya,* ed. by 'Alī Anṣāriyān, Beirut, 1985, pp.104-5.

The Iranian government, for its part, responded by encouraging those who supported it, while weakening those who opposed it by using methods of suppression and trying to isolate them from the popular masses of the people.

After the death of Imām al-Khumaynī, the policy of the Islamic Republic underwent great changes, the first of them being a shift from a revolutionary state to a state of stable government and, while keeping the spiritual line of succession, Sayyid 'Alī Khāmanā'ī, who was President of the Republic, took over al-Khumaynī's position as Imām while Shaykh Hāshimī Rafsanjānī, who was speaker of the House of *Shūrā,* became President.

A new trend had started to develop within the group known as the *Ḥawza* in the mid 1950s. This trend, known later by the name of *al-Ḥujjatiyya,*[1] tried to bring into the open its rejection of the government's policy, relying on religious interpretations prohibiting the setting up of an Islamic government until the re-emergence of the twelfth Imām.

In the beginning the Ḥujjatiyya was not clear in its aims but, as a dissenting movement from the core of the religious *Ḥawza* itself, was somewhat similar to the Akhbārī movements which surfaced in the last years of the Ṣafawids.

The Ḥujjatiyya movement did not rely on a particular religious outlook but fell back on slogans which were religious in appearance but were actually an excuse to oppose the political authority. However, the movement could not keep up its momentum and started to weaken when faced with the strength of the government.

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[1]The name *Ḥujjatiyya* is related to the title of the twelfth Imām, *al-Ḥujja* (the proof).

THE ḤUJJATIYYA MOVEMENT

The Ḥujjatiyya began to emerge in the 1950s as an organising educational party opposed to the Bahā'ī activities in Iran. In order to understand the Ḥujjatiyya, it is important to investigate its origin and its background. Our investigation will start with the Shaykhiyya and covers the intervening years until the time of the Ḥujjatiyya.

THE SHAYKHIYYA

The term *Shaykhiyya* came into use during the life of Shaykh Aḥmad al-Aḥsā'ī (d. 1241/1826), when his views gave rise to doubts among the Shī'ī community.

Al-Aḥsā'ī was pre-occupied with Greek philosophy and Illuminationist ideas, on the one hand, and the *ḥadīths* narrated by Shī'ī transmiters but not authenticated, on the other. His philosophy was not compatible with Shī'ī traditions regarding the Ithnā'asharī Imāms, such as on the extreme veneration paid to the Imāms, on God, on the Hidden Imām, on eschatology, on the nature of the world and many other subjects.[1] These ideas caused a great deal of argument between his supporters and his opponents in the Shī'ī centres in Iraq (Karbalā' and al-Najaf) and in most Iranian cities. This had, in some instances, culminated in bloodshed, as happened frequently in Tabrīz. The conflict was led by two groups:-

1-The Shaykhiyya or al-Kashfiyya, those who followed al-Aḥsā'ī.

2-The Mutasharri'a, those who adhered to Islamic law.[2]

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[1]Momen, *An Introduction to Shī'i Islām*, pp. 226-229.
[2]Kizrawī, Aḥmad, *Bahā'īkrī*, Tehran, 1944, p.12-15.

After al-Aḥsā'ī death, his disciple Sayyid Kāẓim al-Rashtī (d.1259/1843) assumed the leadership of the movement and followed the example of his tutor by defending the ideas of his master and refuting charges targeting them both.[1] He, like his master , took advantage of the concept of the Hidden Imām and claimed to be his representative who received his directives from him. Both of them made use of this to enhance their status among their followers. Al-Rashtī died without appointing any one to succeed him, and the movement was split up into many factions, each taking a different direction, though all agreed on the concept of the Hidden Imām and the possibility of communicating with him.

The main factions were:-

1-The Shaykhiyya al-Rukniyya. They were the followers of Karīm Khān al-Qājārī (d. 1288/1871), a descendant of the Qājārī family who believed that the *mujtahid* can communicate without any intermediary with the Hidden Imām and receive his directions. This concept was considered the fourth principle of *uṣūl al-Dīn*. Their naming was derived from this concept. They flourish mainly in the city of Kirmān.[2]

After Karīm Khān's death, the Rukniyya branched into two; one group was headed by his son, Muḥammad Khān (d.1324/1906), called Nāṭiqiyya or Nawāṭiq; the other was headed by al-Mīrzā Muḥammad Bāqir Hamadānī (d. 1319/1901), whose followers were known as al-Bāqiriyya. His followers are to be found in the Iranian cities of Iṣfahān and Nā'īn.

After the death of Muḥammad Khān, his brother Zayn al-'Ābidīn Khān (d.1360/1941) became the leader of the Nawāṭiq, then after him his son Abū

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[1]Al-Rashtī wrote a comprehensive biography for his master al-Aḥsā'ī in his book *Dalīl al-Mutaḥayyirīn,* Kuwait, 1978.

[2]Al-Faḍlī, *Fī dhikrā Abī*, p.90.

al-Qāsim Khān al-Ibrāhīmī (d.1389/1969), followed by his grandson 'Abd al-Riḍā Khān al-Ibrāhīmī (killed during the Iranian Revolution in 1979).[1]

2-The Shaykhiyya al-Kashfiyya. They are the followers of al-Mīrzā Muḥammad Bāqir al-Ūskū'ī (d.1301/1883), who believed that communication between the Hidden Imām and his deputy is achieved through *kashf* (conceptualisation of the revelation), hence the name Kashfiyya.

This movement was started in Karbalā' by al-Mīrzā Ḥasan Gawhar (d.1261/1845), who was a disciple of al-Rashtī. From Karbalā' it spread, through the efforts of al-Ūskū'ī, to Tabrīz, then to Ūskū'. The leadership has become hereditary, Ḥasan's son Mirzā Mūsā al-Ūskū'ī al-Ḥā'irī taking over after his death.

During al-Mīrzā Muḥammad Bāqir's stay in Karbalā', some Aḥsā'īs were attracted to his ideas and through them the Shaykhiyya has spread to al-Aḥsā', Kuwait, Baḥrain and Sūq al-Shuyūkh in the south of Iraq.[2] The leader of the sect now is al-Mīrzā Ḥasan al-Ūskū'ī (born in 1900) and his son al-Mīrzā 'Abd al-Rasūl, who resides in Kuwait. The Shaykhīs are spread now through several Iranian cities, Pakistan, the Gulf and Iraq, and number about half a million.[3]

3-The last faction of the Rashtiyya was a group led by Sayyid 'Alī Muḥammad al-Shīrāzī, or al-Bāb (the Gate). To this group the Bābīs and later Bahā'īs belong.

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[1]Momen, p.229.
[2]Al-Faḍlī, p.90.
[3]Momen, p. 231.

The Bābīs were closely associated with the Shaykhiyya school up to the death of Kāẓim al-Rashtī. They took advantage of a dispensation of the Prophet Muḥammad, namely,"I am the city of knowledge and 'Alī is the Gate", for their leader to call himself, first the Bāb (Gate) to the Hidden Imām, then the Hidden Imām himself. 'Alī Mūḥammad al-Shīrāzī (executed 1267/1850) declared in 1260/1844 that he was the Bāb to the Imām, then advanced his claim of being the Twelfth Imām, who had come to proclaim a new prophetic cycle. There are still a few Bābīs nowadays, but they mostly became Bahā'īs, as will be shown hereafter.[1]

THE BAHĀ'Ī RELIGION

After the death in 1267/1850 by firing squad of al-Mīrzā 'Alī Muḥammad al-Shīrāzī (al-Bāb), the Bābīs were split into three factions:-

a -Original Bābīs.

b- Azalī Bābīs.

c- Bahā'īs.

The second faction are the followers of al-Mīrzā Yaḥyā Ṣubḥ al-Azal, who was appointed by the Bāb as his successor. Then the Bābīs were accused of the attempted assassination of Shāh Nāṣir al-Dīn al-Qājārī, and were repressed by the government. Zirīn Tāj, whose popular name was *Qurrat al-'ayn* "Coolness of the eye," was put to death with many others, while al-Mīrzā Yaḥyā fled to Baghdād.

Ṣubḥ al-Azal's leadership was challenged by al-Mīrzā Ḥusayn 'Alī Nūrī (d.1310/1892) who claimed in 1866 to be the messianic figure foretold by the

[1] *The Concise Encyclopedia of Islam*, p.61.

Bāb, took the title of Bahā'allāh (Glory of God) and managed to win over the majority of the Bābīs.

At the request of the Persian government, the Ottomans in 1280/1863 imprisoned both leaders, first at Edirne, then they sent Ṣubḥ al-Azal to Cyprus and Bahā'allāh to 'Akkā in Palestine.[1]

The Azalīs disappeared after the death of their leader, while the Bahā'īs prospered. Bahā'allāh died in confinement in 1310/1892. His son 'Abbās Afandī (d.1340/1921) took over the leadership and his grandson, Shawqī Afandī (d.1377/1957), succeeded him. Since 1280/1863, however, an elected body has been in control.[2]

The Bahā'ī faith is now an independent religion separate from Shī'ism and Islām. It has its own holy books, teachings, laws and prophets. They consider al-Bāb and Bahā'allāh to be equal in status to the Prophet Muḥammad, bearing new revelations from God, while Bahā'ism replaces all other religions, Islām, Christianity, Judaism and Zoroastrianism.[3]

THE ḤUJJATIYYA MOVEMENT

At the begining of the twentieth century, the Bahā'īs became very active in Iran. This activity was met with a concerted opposition from the Shī'ī religious establishment. One of their measures was to set up a charitable society called *Anjuman Khairiyya Ḥujjatiyya Mahdawiyya,* "The Ḥujjatiyya Mahdawiyya Charity", which was started at the beginning of the 1950s by Shaykh Maḥmūd Dhākir Zādah Tawallā'ī, known also as Muḥammad Ḥalabī.

[1]Balyuzi, H. M., *Bahā'u'llah: The King of Glory,* Oxford, 1980, p.269.

[2]Richard, Yann, *Shi'ite Islam: Polity, Ideology, and Creed,* translated from German into English by Antonia Nevill, Oxford, 1995, pp.72-7; *The Concise Encyclopedia of Islam*, p61.

[3]Momen, p.232.

Ḥalabī was a student at Mashhad of al-Mīrzā Mahdī al-Iṣfahānī, who was a declared devotee of the Hidden Imām. Ḥalabī noticed that some of the other students were attracted to the Bahā'ī faith, so he argued with them and managed to convince them against joining. He then moved to Tehran and started preaching against the Bahā'īs, supported morally and financially by the religious establishment .

The Ḥujjatiyya movement was based on belief in the Hidden Imām, its members considering themselves soldiers in his army and ready for his appearance from occultation. To them neither political nor military organisations were permitted to oppose oppressive regimes before the Imām's appearance. They would limit their activities to cultural and religious education. Their work was centred on the conservation of human resources, in order to be in readiness for the Imām, whom they consider to be commander of all forces. They in turn show their sorrow for his absence and pray for his safety.

Their movement was contemporaneous with another tendency, the Revoultionary Islamic Movement of Iran (headed by Nawwāb Ṣafawī, executed in 1956), calling for armed struggle against the regime of the Shāh.

The Ḥujjatiyya was, however, in a quandary after the advent of the Islamic Revolution in 1979, since there were differences between its religious beliefs and those of the Revolution. These may be summarized as follows:

1-The Ḥujjatiyya slogans had become different from those of the Islamic Revolution since the outbreak of the Iran-Iraq war in 1980. They were calling, for example, for the conservation of assets and forces, until the appearance of the Imām to give his command for Holy War, *Jihād*, as he is, to them, the commander-in-chief. The Iranian Revolution on the other hand, considered al-Khumaynī to be commander of all forces in the country.

The Ḥujjatiyya used to call al-Khumaynī the deputy of the Imām, reserving the latter title for the Hidden Imām, the one who is infallible, *ma'ṣūm*. The Iranian Revolution, however, countered with one of their slogans, which said, "You cannot love al-Mahdī if you do not love al-Khumaynī", *Bī 'ishq Khumaynī natawān 'āshiq Mahdī shud.*

During this time, the Ḥujjatiyya considered Communism as the real enemy, and Marxism as the inheritor of the Bahā'ī mantle, while the Iranian Revolution's greatest enemy was America, which was labelled "Great Satan".

The enemies of the Ḥujjatiyya accused it of trying to become involved in unnecessary skirmishes with no serious threat to the Revolution at present. At the beginning of its emergence, its members worked hard at creating enemies of the Bahā'īs instead of concentrating on the struggle against the regime of the Shah. That is why its opponents used to call it *Ḥizba qā'idīn* (the effete Party).[1]

2-Shaykh Maḥmūd Ḥalabī was opposed to philosophy and philosophers. He thought that the essence of all divine religions is alien to Greek philosophy and philosophical ideas in general, and so he used to advocate adherence to the ideas of the *fuqahā'* and the narrators of the *ḥadīth*. al-Khumaynī,on the other hand, was in opposition to that, giving philosophy a great deal of attention and writing a number of books on the subject. His disciples have also followed the same path, as is apparent in the writings of the martyr Shaykh Murtaḍā Muṭahharī (who was subsequently assassinated a few months after the success of the Revolution).

3-Interpretation of religious utterances, upon which the Ḥujjatiyya society based their ideas, was taken up by other groups opposed to the Revolution and its leader. The Society, for example, generally followed the Imām al-

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[1]Bāqī, A, *Dar shanakhtaya Ḥizba qā'īdīna zamān*, (in Persian), Qumm, 1983.

Khū'ī, who was at al-Najaf, and considered him to be the highest *marja'* of the Shī'a, because his approach was wholly religious, and involved no interference in politics, in contrast to al-Khumaynī's. The Society also adopted the writings of Sayyid Murtaḍā al-'Askarī because of his close relationship with Shaykh Maḥmūd al-Ḥalabī. Al-'Askarī was considered one of the leaders of the Da'wa Party in Iraq during the sixties.[1]

4-On the 12th of Shawwal 1403/1983 al-Khumaynī warned members of the Society, indirectly, not to act against the Islamic Revolution's aims. He said, "Do not make any move against this surge [meaning the Islamic nation in Iran], otherwise you will be crushed".

After this, the Society issued the following statement :

"Now that it has become certain that Imām Khumaynī meant the Society in his speech, and that the opinion of "The Great Founder of the society", Ḥujjat al-Islām Ḥalabī, has been taken, he has ordered that all activities and programmes should be suspended". The activities of the individual members are now limited to privately held religious meetings.

THE SHĪ'Ī LEADERSHIP AFTER AL-GULBAYKĀNĪ

A number of *fuqahā'*, some of the most prominent of whom are listed below, are mentioned as *marja'* to their followers:

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[1]Murtaḍā al-'Askarī was very active in the cultural field at the beginning of the sixties. He had a big hand in establishing many schools and cultural projects, one of which was the college of Uṣūl al-Dīn in Baghdad, and he was its first principal. After 1968, when the Ba'th party came to power, he fled to Iran where he now lives.

Al-'Askarī wrote many books, such as *Khamsūn wa-mī'at Ṣaḥābī mukhtalaq,* "The unreal 150 Companions"; *Ma'ālim al-madrasatayn*" (the differences between the Sunnī and Shī'ī schools of thought), in three parts, and many others. His writings deal exclusively with Shī'ī issues, otherwise he would have been one of the leading intellectuals of the present time. He is now over eighty years old.

1-Sayyid ʻAlī al-Sīstānī (al-Najaf).

2-Sayyid Muḥammad al-Ṣadr (al-Najaf).

3-Sayyid ʻAlī Khāmanā'ī (Tehran, the spiritual leader of the Islamic Republic of Iran)

4-Sayyid Muḥammad al-Rūḥānī. He is one of the outstanding *fuqahā'* and has a large number of followers in some of the Gulf countries and in cities in the north of Iran. He was not on good terms with the Islamic Revolution in Iran. He is now under house arrest in Qumm.

5-Shaykh Muḥammad ʻAlī al-Arākī. He lived in Qumm, and was nominated by the Iranian government . He died on 29th November 1994, at the age of 100 years.

6-Sayyid Muḥammad al -Shīrāzī. He was born in Iraq in 1928. After the death of his father, Mīrzā Mahdī, in 1380/1960, he put himself forward as *marjaʻ* and has some followers in Karbalā', the Gulf countries and eastern parts of Saudi Arabia. He left for Kuwait when the Baʻth came to power. After the Islamic Revolution, he left for Iran. He was not on good terms with the Iranian regime and, what made matters worse, he was in opposition to the Khumaynī concept of *wilāyat al-faqīh*. He has been very active and has attracted a great number of ordinary people to him. Now he is under house arrest in Qumm.

THE MARJAʻIYYA IN AL-NAJAF

On the other hand, in al-Najaf a decline in its influence that began in the mid 1970s continued because of the vicious attacks by the Iraqi regime on this centre of learning.

Al-Najaf, in spite of the presence there of the highest Marja'iyya, has become a centre in name only, especially after the military attacks carried out by Iraq on this ancient Shī'ī city, the bombing of the Holy places with missiles, and the arrest of a large number of religious men after the uprising this city witnessed in the aftermath of the defeat of the Iraqi regime by the allied forces of the United Nations in 1991,, following Iraq's invasion of Kuwait and 'Desert Storm'.

At end of the Iraq-Iran war in 1988, the government of Iraq realised its mistake in suppressing the *marja'* and changed its way of dealing with it by trying to control it and by supporting the nomination of Sayyid Muḥammad al-Ṣadr as leader, after the death of Imām al-Khū'ī.[1] It assigned to him the responsibility of running the affairs of the foreign students who come to al-Najaf. Its aims were, in the first instance, to establish an Arab Marja'iyya, in opposition to an Iranian one, and secondly, to admit after a decade to an error on the part of the regime in executing Muḥammad Bāqir al-Ṣadr. The nominee was a student of his and a relative. Nevertheless the Marja'iyya of Muḥammad al-Ṣadr remains an official and, thus, a limited one.

As for Sayyid 'Alī al-Sīstānī, he was one of the brightest students of al-Khū'ī. He studied first at Mashhad, then at Qumm and finally migrated to al-Najaf in 1950, where he was a regular participant in al-Khū'ī's circles. His Marja'iyya began after the death of 'Abd al-A'lā al-Sabzawārī in 16 August 1993 and was strengthened after the death of al-Gulbaykānī in 9 December 1993. Al-Sīstānī's character and leanings are similar to those of his master al-Khū'ī, and it could be said that his Marja'iyya could be a continuation of al-Khū'ī's.

Support for al-Sīstānī comes from three sides:

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[1]In al-Najaf two of the names mentioned above were real candidates for the Marja'iyya'. They are , Sayyid Muḥammad al-Ṣadr and Sayyid 'Alī al-Sīstānī.

1-The agents of al-Khū'ī and those running the cultural centres and charitable organisations all over the world.

2-The conservative Shī'īs, such as the Khoja community headed by Mulla Aṣghar 'Alī Muḥammad Ja'far, whose headquarters are in London.[1] They believe that al-Sīstānī is the best and the most qualified leader at present. They represent the Shī'ī groupings in Africa, India, Pakistan and other countries, and some of the merchants in the Gulf also adhere to it.

3-Those who oppose the policies of the Iranian government in nominating the Marja'iyya.

THE MARJA'IYYA IN IRĀN

The religious organisation in Iran exists in a country where the government was established by the efforts of al -Khumaynī, and after he passed away, his place was taken by the former President, Sayyid 'Alī Khāmanā'ī. And just as al-Khumaynī succeeded in heading both the religious and the political establishments, his successor is trying to emulate him.

From the above we note that, after the death of al-Gulbaykānī, the Marja'iyya was divided between Sayyid al-Sīstānī, who is considered to be an independent *faqīh*, and Shaykh Muḥammad 'Alī al-Arākī, who was favoured

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[1]Al-Khoja derives from a group of Hindu African tribes in Tanzania which were converted from Hinduism to Islām. Some of its members became Ithnā'asharīs in the middle of nineteenth century. In 1946 the Federation of Khoja Shī'a Ithnā'asharīs' Jamā'at of Africa was founded in Tanzania. Later in 1967 the World Federation of Khoja Shī'a Ithna'asharī Muslim community was founded in London. See Sachedina, Abdulaziz A., *Haji Nājī, the great religious educator of the Khoja Shi'a Ithnā'asharī Community*, Canada (n.p.), 1992; Asghar Alī, M. M.Jaffer, *An Outline history of Khoja Shi'a Ithnā'asharī in Eastern Africa,* London, 1983.

The number of the Khoja community is about 125,000. Some of them are well known traders and businessmen. They live in many different contries, such as America, Africa, and Great Britain. Mulla Aṣghar 'Alī Muḥammad Ja'far has been the President of the Community since 1965 up to the present time. He was born in 1936.

by Iran. Al-Arākī's leadership, before his death, was considered to be of a temporary nature because of his age and, consequently, as paving the way for Sayyid al-Khāmanā'ī.

Muḥammad al-Rūḥānī, despite having some followers in the northern cities of Iran and the Gulf, and Muḥammad al-Shīrāzī, who has followers in the Gulf, Iraq and Pakistan, have been unable to communicate with the Iranian masses because of the restrictions imposed on them.

After Shaykh al-Arākī many questions about the Marja'iyya were put forward because of the relatively large number of *marja's* who have influence over people. Some official groups, however, nominated 'Alī Khāmanā'ī to be the successor of al-Arākī, in addition to his existing position as *Walī amr al-Muslimīn*, for the following reasons:-

1-Unification of political leadership and religious Marja'iyya (represented by Imām al-Khumaynī) had taken place in 1979.

2-Not to allow the Marja'iyya to be located outside Iran because the *Ḥawza* in Iraq had come under the control of the regime after Abu al-Qāsim al-Khū'ī, and the size of the Shī'ī community in Iran is about one third of the total number of the world-wide Shī'ī community.

There is a disagreement among some *mujtahids* about the appointment of al-Khāmanā'ī as a *marja'* for the community because the choice and the position of the *marja'* cannot be made and assigned by the state. The Shī'ī *marja'* comes to the notice of the community not because of any propaganda but because of his high achievements in religious studies.

Proposing Khāmanā'ī for *marja'iyya* resulted from pragmatic needs of the Iranians rather than the whole Shī'ī community for the following reasons:-

1-Because he is politically the head of a religious country.

2-According to the Islamic Shīʿī theory the leadership of the Shīʿī community at the time of occultation should be with the *fuqahāʾ*. This was enshrined in the Islamic constitution of 1906 during the rule of the Qājārī dynasty. The Islamic Revolution was not satisfied with that and put a bigger emphasis on the role of the *marjaʿ* in ruling the government through the theory of *wilāyat al-faqīh*.

3-During al-Khumaynī's time the religious and political leadership were unified. This appears in the Iranian constitution under article (5), which says that the political leadership should be in the hands of the *faqīh* who is known and acceptable to the majority of the people.

4-Following the withdrawal of Shaykh Ḥusayn al-Muntaẓarī from the succession in 27 March 1989 and a few months before his death, al-Khumaynī sent a letter on 29 April 1989 to the chairman of the Committee for the Revision of the Constitution. In it he said that there was no requirement for the political leader to be a *marjaʿ* also, but it sufficed for him simply to be a *faqīh*.

This made it possible for Khāmanāʾī to be appointed leader of the Islamic Republic of Iran.

5-The appointment of Khāmanāʾī as a *marjaʿ* in addition to the political leadership is a new phenomenon in the selection procedure, in two respects:

a-A *marjaʿ* becomes so because of his extensive knowledge of *fiqh* and *uṣūl*.

b-Khāmanāʾī's appointment happened during a period where there was an Islamic Shīʿī government, and since a *faqīh* is not necessarily knowledgeable

in the running of a country's government, a new theory was developed for the appointment of a *marja'*. This says that it is not necessary for a leader to be the most knowledgeable in religious studies.

And so, for a special need of the Iranian regime, Khāmanā'ī was nominated for both leadership and *marja'iyya*, so that no disagreement would arise were they to be split.

This new practice of not taking knowledgeability into consideration, has become a trend encouraging others like Muḥammad Ḥusayn Faḍlallāh in the Lebanon, who possesses both political and religious knowledge as a *faqīh*, to nominate themselves for the *marja'iyya*. And it might open the doors wide for other contenders in the future.

Conclusion

1-It has become clear, after this study of the historical development of the Ithnā'asharī religious establishment, that the main centres of influence of the *fuqahā'* were limited to Iraq and Iran. In Iraq a number of centres for religious studies were founded at al-Ḥilla and Karbalā', until a major centre was established in al-Najaf at the begining of the thirteenth/nineteenth century. Similar schools were distributed thorough many Iranian cities, such as Iṣfahān, Mashhad and Qazwīn, until the establishment of the centre at Qumm in the early years of twentieth century. Jabal 'Āmil in Bilād al-Shām (Syria and Lebanon) appeared as a scholarly centre, simultaneously with the rise of the Ṣafawid state.

Despite the fact that the Jabal 'Āmil region had not enjoyed the independence of the religious centres in Iraq and Iran, it had nevertheless produced some fine *fuqahā'*, who made a great contribution to Shī'ī thought, in both the religious and the rational sciences. During the latter part of the present century Qumm became a centre for Shī'ī studies, while the religious reputation of al-Najaf started to decline from the middle of the seventies, until the end of the eighties.

2-In view of the relations of the *fuqahā'* with the ruling authority throughout their history, they enjoyed freedom of thought during the Buwayhid rule and were able to exploit this freedom, given to them and to all other sects in general, to set out their viewpoints and opinions in writings.

The relations between the *fuqahā'* and the Buwayhids were not close and the *fuqahā'* could not get directly involved in political activities.

In spite of al-Murtaḍā's treatise entitled *Risāla fī al-'amal ma'a l-sulṭān* in which permission was granted for the *faqīh* to co-operate with rulers, there are no clear signs that they succeeded in stimulating the *fuqahā'* to become actively involved in political affairs.

But during the Mongol rule, the situation changed when Naṣīr al-Dīn al-Ṭūsī (d. 672/1273) succeeded in building up relations between his disciple al-'Allāma al-Ḥillī and some Mongol rulers. These later led to al-'Allāma exercising a great influence over two Mongol rulers: Ghāzān and Ūljāytū (Khudābanda). His influence on the latter was so great that Ūljāytū proclamed Shī'ism as the official doctrine of the state by exploiting the divorce case of Ūljāytū from his wife.

In spite of complaints about the scale of destruction the Mongols caused, the period of al-'Allāma al-Ḥillī during which he had a free hand to direct the affairs of the state was exceptional, and was characterised by unlimited freedom of thought, scientific progress and toleration on all sides, and was totally dissimilar to the period of the Mamlūks, who adopted different policies from the ones followed by the Mongols. The Mamlūks prosecuted and murdered the Shī'īs in Bilād al-Shām and Ibn Taymiyya's *fatwā,* which legalised the elimination of Shī'īs from Kisrawān, reflects the scale of the destruction and suffering the Shī'īs faced.

After al-'Allāma al-Ḥillī's period, the *fuqahā''s* influence on political events was hardly noticeable and this situation lasted until the period of al-Shahīd al-Awwal, whose activities for the Shī'īs led to his execution in 786/1383.

No serious involvements in political affairs on the part of the *fuqahā'* are to be noted until the rise of Ṣafawid rule in 905/1500, which gained their full support, and those who remained under Ottoman rule refrained from political involvement and confined their activities to jurisprudential researches.

3-Throughout its history the religious organisation was distinguished by similar types of *fuqahā'*, in as far as their intellectual contribution and their political leaning or neutrality is concerned, although they were centuries apart.

Trying to find some common ground and similarities between the Imāmī *fuqahā'* does not mean that they are completely alike in every way and we are able to explain the part played by them at any given period of time, compared with others at other times, by using the following from divisions:

i-Reconciliatory trend and balanced intellectualism

As an example of this group are the following:

a- al-Shaykh al-Ṭūsī (d. 460/1068)

b- al-Muḥaqqiq al-Ḥillī (d. 676/1277)

c- al-Shaykh Murtaḍā al-Anṣārī (d.1281/1864)

d- al-Sayyid Abu al-Qāsim al-Khū'ī (d. 1413/1993)

What distinguishes those *fuqahā'* is their balanced rationalism. al-Ṭūsī and al-Ḥillī were alike in that al-Ṭūsī managed to absorb, in his writings, the shock caused by the sharp rational direction taken by his teachers, al-Shaykh al-Mufīd and al-Murtaḍā. By balancing it with a traditional approach, he managed to repeat some of their ideas in Kalām and other

sciences by condensing some of their writings and revising their intellectual requirements.

Al-Muḥaqqiq al-Ḥillī faced similar problems in the Ḥilla School in dealing with the rational direction taken by Ibn Idrīs al-Ḥillī (d. 598/1201). He managed to form his own critical ideas through the campaign he mounted against al-Ṭūsī.

On the other hand, al-Anṣārī and al-Khū'ī represent the intellectual trend through their schools in *uṣūl* and *fiqh*, although al-Khū'ī is considered to be the last Marja' to follow the Anṣārī school of thought.

ii-Trend of the the *faqīh*.to support the administration

Two of the *fuqahā'* represent this group:-

a- al-Shaykh Nūr al-dīn 'Alī ibn al-Ḥusayn, known as al--Muhaqqīq al-Karakī (d. 940/1532).

b- al-Shaykh Ja'far Kāshif al-Ghiṭā' (d. 1228/1813).

Al-Karakī supported the founding of the Ṣafawid government by elimination the Ṣūfī orders and replacing of their ideas with Ithnā'asharī beliefs. He was banished to Iraq twice and subsequently killed by the Ṣafawids themselves in a mysterious way.

Kāshif al-Ghiṭā', on the other hand, was extreme in his support of Shāh Fatḥ 'Alī al-Qājārī to the point of having conferred on him the religious powers he had, although the Shāh only supported him as far his interests were concerned. It is worth noting that in both cases mentioned above, the Faqīh and the King belonged to the same sect.

iii-The sectarian and political trends.

Three *fuqahā'* represent this grouping :

a- al-ʻAllāma al-Ḥillī (d. 726/1325)

b- al-Sayyid Mahdī al-Qazwīnī (d. 1300/1883).

c- al-Sayyid Rūḥ Allāh al-Khumaynī (d. 1410/1989).

Al-Ḥillī lived during the Mongol period and had a big hand in spreading the Ithnāʻasharī faith in the days of Sulṭān Ūljāytū (Khudābanda), who converted to the Shīʻī faith and declared it in his Sulṭānate.

Sayyid Mahdī al-Qazwīnī, like al-Ḥillī, had succeeded in converting the Zubayd group of tribes to the Ithnāʻasharī faith after he emigrated from al-Najaf to al-Ḥilla in the year 1253/1837. He was given the name "Muʻizz al-Dīn", others called him "al-ʻAllāma al-thānī" because of the abundance of his writings and their quality and the similarity between them in spreading the Ithnāʻasharī faith.

It is worth noting, though, that whilst al-Ḥillī was working with the blessing and help of the authorities, al-Qazwīnī depended on his own efforts and his direct relations with the Arab tribes who were under the Sunnī Ottoman rule.

As for Imām al-Khumaynī, he is considered to be in a class of his own as far as the struggle between the Faqīh and the Sulṭān is concerned, because he followed a popular political direction in his struggle with the Shāh, and not a sectarian one, since the struggle was between a Shīʻī Faqīh and a Shīʻī King. al-Khumaynī succeeded in bringing down the monarchy and replacing it with a Republic of the Fuqahā'.

iv-<u>The martyrdom trend</u>

The last type is represented by:

a- The First Martyr Muḥammad ibn Makkī al-ʻĀmilī (d.786/1384).

b- The Second Martyr Zayn al-dīn ibn ʻAlī al-ʻĀmilī (d. 965/1557).

c- The Third Martyr Muḥammad Bāqir al-Ṣadr (d.1400/1980).

They are alike because of the abundance of their writings, the renewal of teaching *fiqh* and their martyrdom.

The First Martyr was killed by the Mamlūk Sulṭāns, using the sectarian excuse, after a *fatwa* issued by two Sunnī judges, a Shāfiʻī and a Mālikī. He was sentenced to death, hanged, stoned and burned, in the presence of a number of Sunnī *fuqahā'*, officials and a mass of spectators.

The Second Martyr was assassinated by the Ottomans after he was called to Istanbul for an investigating of a slanderous accusation. It is believed that he was killed before reaching al-Bāb al-ʻĀlī. His death remains a mystery to this day.

The Third Martyr, al-Ṣadr, was put to death in Baghdad after undergoing horrific torture and disfiguration at the hands of Ṣaddām Ḥusayn. His death was not sectarian but of a political nature, and followed the disturbances in Iraq after the success of the Islamic Revolution in Iran.

It is worth noting that the First and Third Martyrs were killed in their own country and at the hands of the person in power, while the Second Martyr was killed away from home by the Ottoman Turks.

4-Concerning the Najaf school, this study has revealed that, in the first period of its formation, there existed a relationship between the *fuqahā'* and the Sulṭān effected through personal contact between al-Shaykh Jaʻfar Kāshif al-Ghiṭā' and the Qājārī Shāh Fatḥ ʻAlī. Kāshif al-Ghiṭā' supported him with religious edicts (*fatāwā*) and bestowed upon him a spiritual prestige through the religious authority within him.

The relationship between the *fuqahā'* and the Qājārīs changed after this period, but in spite of that, the *fuqahā'* still recognised the Qājārī regime. Their criticism was directed at some of the Shāh's actions, as in the cases of the Tobacco Revolution and the Constitution Movement.

5-The main phases in the strengthening of the influence and responsibilities of the *fuqahā'* also coincide with their struggles against the Ṣafawid, Qājārī and Pahlawī states at various stages of their history. In the long course of political events, the *fuqahā'* gained a new influence which came to fruition during the clash between Āyatallāh al-Khumaynī and the Pahlawī regime and ended with the declaration of the theory of *wilāyat al-faqīh*, as the source of absolute religious authority, requiring of Shī'ī society that they follow its principles and uphold it.

al-Khumaynī's struggle against the Shāh differs from previous struggles in the past in as much as al-Khumaynī did not recognise the legitimacy of the Pahlawī regime at all.

6-As for the relationship between the community of the *fuqahā'* or the religious establishment and Shī'ī society, this was not always close, but it would intensify if and when the establishment of the *fuqahā'* gained scholarly or political success. This reached its peak during the recent Iranian revolution.

7-The research also shows the influence of the Jabal 'Āmil *fuqahā'* on the Iranian masses after the formation of the Ṣafawid state, which led to a hidden struggle on the part of the Ṣafawid rulers to displace the competing religious forces, and to limit their influence on Iranian Society.

8-The Akhbārī Movement was traced to its first emergence in the later part of the Ṣafawid period, under the leadership of its founder Muḥammad Amīn al-Astarābādī, and to its second appearance, after a relatively long

interval, during the period of the Qājārī Shāhs, under the leadership of Muḥammad ibn 'Abd al-Nabī al-Nīshābūrī al-Akhbārī. Although this School took on the appearance of an ideological conflict, based upon some of the problems of Shī'ī *fiqh,* this confrontation was a façade, an attempt to limit the influence of the *mujtahid* establishment represented by al-Karakī and his followers in the Ṣafawid state, and by Ja'far Kāshif al-Ghiṭā' in the Qājāri state. The ultimate aim of the *fuqahā'* of the Akhbārī Movement was to put forward a new order for the religious establishment, based on following the traditions coming from the Imāms, and to try to avoid interpreting them, in an attempt to distance this establishment from whatever could divert it from its religious and *fiqhī* duties.

9-The research also reveals the existence of a sound relationship between the head of the Ithnā'asharī sect, Shaykh Ja'far Kāshif al-Ghiṭā', and the leader of the Wahhābī Movement, Shaykh Muḥammad Ibn 'Abd al-Wahhāb, which had the effect of preserving the Shī'ī religious centre from the invasions of the avenging Wahhābīs. This situation changed when a Shī'ī city was attacked a decade after the death of Muḥammad Ibn 'Abd al-Wahhāb.

10-The establishment of the *fuqahā'*, represented by the supreme *marja'*, is essentially a cultural organ which concerns itself with the study of the specialized religious sciences but quite often produces *fuqahā'* who follow politics and participate in it. Their position is not affected if the consequences of their involvement relate to political forces which bear no relation to the *fuqahā'* establishment, as was demonstrated during the Tobacco Movement and the Constitutional Movement.

Their actions could coincide with their noblest aim, that of performing their religious duty as reformers, as manifested in their capacity to advise the ruler, or to threaten his dismissal by the masses.

This situation was changed by Āyatallāh Ruḥallāh al-Khumaynī after the Iranian revolution in 1979, when the task of the *faqīh* was changed from one of "reform" to a "radical" one, calling for the demolition of a political order and its replacement by another, which was acceptable to the *faqīh.*

11-The second stage of the Najaf School witnessed the further development of the religious establishment, when the *fuqahā'* threw themselves into the arena of social change. Āyatallāh al-Khumaynī succeeded in bringing about the defeat and collapse of the regime of the Shāh in Iran while the Iraqi *fuqahā'* were subjected to repression and extermination by the Iraqi regime, which feared an increase in their religious and political influence. At the head of the *fuqahā'* was Muḥammad Bāqir al-Ṣadr.

12-The religious establishment thus emerges as an organisation independent of any government influence. Its independence covers the following fields:-

a-Financial; since the religious establishment is financed through gifts, presents, *zakāt* and *khums* given by Shī'īs from all over the world.

b-Cultural; because students and scholars use the sect's own reference books, such as those of al-Muḥaqqiq al-Ḥillī and al-Shahīd al-Awwal in *fiqh*, and those of al-Anṣārī and al-Khurasānī in *uṣūl.* Recently the latter books were replaced with Sayyid Muḥammad Bāqir al-Ṣadr's books.

c-Political; as the *'ulamā'* do not usually interfere in politics, join political parties or take sides, as was the case with the neutral stance taken by al-Khū'ī during the Iraq-Iran war, although he was an Iranian living in Iraq. There are, however, exceptions to the rule, such as al-Khumaynī, al-Shīrāzī and few others.

13-There are no arrangements or co-operation between the different Marja'iyyas, in spite of the respect they have for each other. Usually the office of each Marja' is completely separate from the others, and probably the division of duties in the thirteenth/nineteenth century, between Mahdī Baḥr al-'Ulūm, Ja'far Kāshif al-Ghiṭā', and Ḥusayn Najaf, remains an isolated instance in the history of al-Marja'iyya.

14-The religious establishments have no proper institutions, and their daily affairs are usually run by the retinue. They would most often be made up of the sons of the Marja', his relatives or nearest friends. This was clear in the case of al-Khū'ī's Marja'iyyà until his death in 1992, or the present Marja'iyya of al-Sayyid 'Alī al-Sīstānī which is now run by his two sons-in-law.

15-The Marja'iyya was never restricted to a single Marja' in all its history. But there always were a number of them, without regard to the number of the followers of each.

16-The duties of the Marja' encompass the following:-

a-Giving his *fatwā* on religious matters when asked, even if the person who is asking is not a Shī'ī.

b-Teaching of *fiqh* and *uṣūl* to those who are undertaking *ijtihād*, or what is termed *marḥalat al-baḥth al-khārij* (the outer research stage).

c-Receipt of legitimate dues from Shī'īs directly or through his representatives.

d-Distributing monthly subsistence to students of religious studies in all centres, without any exception, in amounts depending on the financial abilities of the Marja' and the number of his followers.

e-Appointing representatives in towns and cities wherever there is a Shī'ī presence. The representative is almost always a scholar and some one who has the respect of the community.

Beside those, there may be some financial agents from amongst Shī'ī merchants, of integrity and good standing. Their part would be to form a link between the people who pay dues and the Marja'.

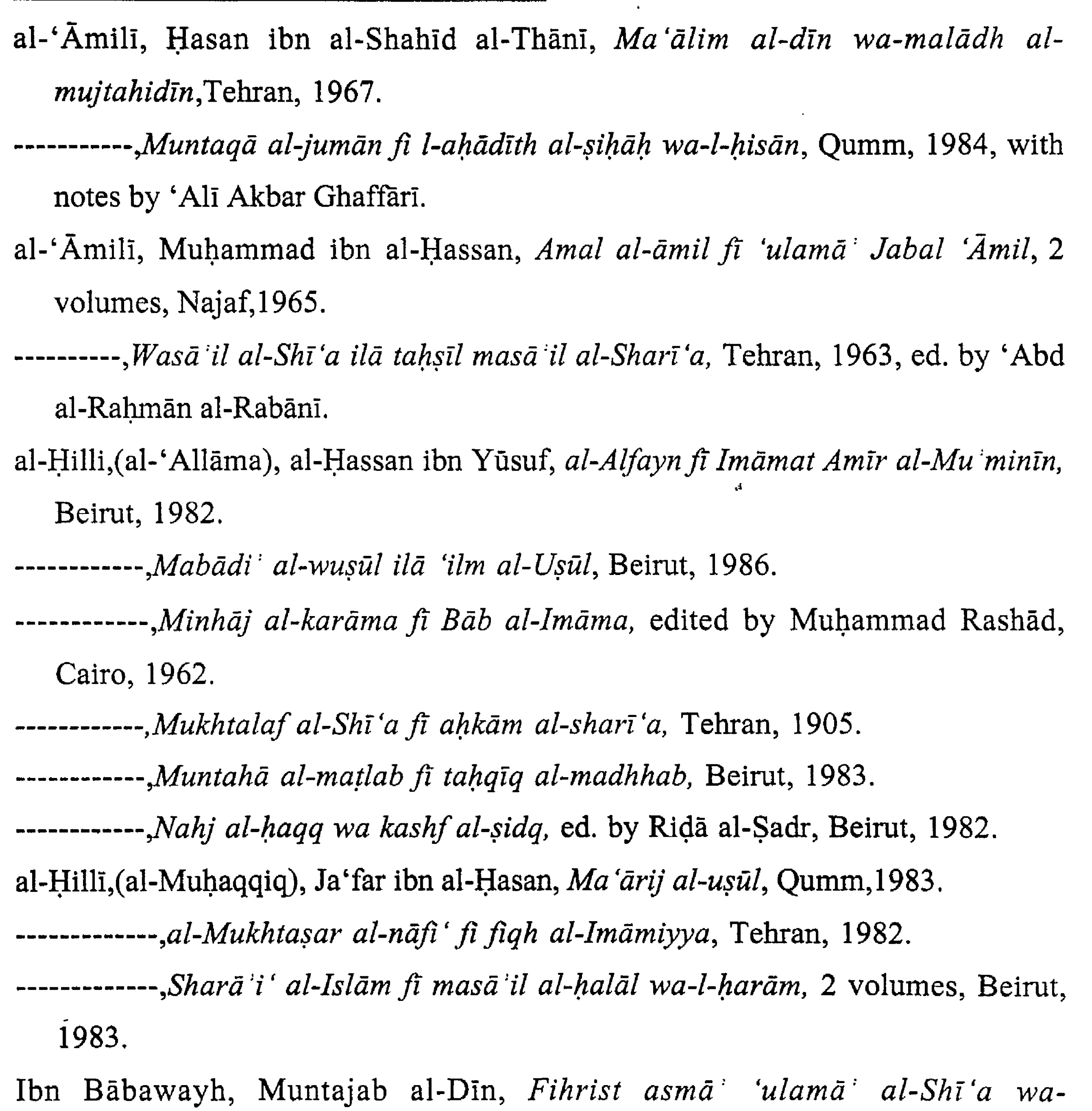
f-Establishing religious, cultural and community centres and supporting scholarly projects..

17-After the disappearance of the political leadership, represented in Iran by al-Khumaynī (d. 1989), the ideological leadership, represented in Iraq by Muḥammad Bāqir al-Ṣadr (1980), and the jurisdiction leadership, represented by Abū al-Qāsim al-Khū'ī (d. 1992), the general Marja'iyya has not been claimed by one *faqīh* alone, despite there being at one stage a general consensus on Muḥammad Riḍā al-Gulbaykānī, who unfortunately died on 9 December1993 at the age of 96 years.

18-After the death of al-Gulbāykānī, the Marja'iyya was shared by several *mujtahids* in Iraq and Iran. For the first time in its history, the Marja'iyya became involved in the struggle of the two regimes, the Iraqi and the Iranian, as each of them competed to nominate the prominent *mujtahid.*

19-The Marja'iyya is divided between many spiritual figures; in al-Najaf many came to prominence,with Sayyid 'Alī al-Sīstānī heading the list, while the officially appointed Marja' is Sayyid Muḥammad al-Ṣadr. While in Iran the officially appointed Marja' is Sayyid 'Alī Khāmanā'ī, the spiritual guide of the Iranian revolution, other prominent Marja's are al-Rawḥānī and Muntaẓarī, both in Qumm.

BIBLIOGRAPHY



1-PRIMARY ITHNĀ'ASHARĪ SOURCES

al-'Āmilī, Ḥasan ibn al-Shahīd al-Thānī, *Ma'ālim al-dīn wa-malādh al-mujtahidīn*,Tehran, 1967.

-----------,*Muntaqā al-jumān fi l-aḥādīth al-ṣiḥāḥ wa-l-ḥisān*, Qumm, 1984, with notes by 'Alī Akbar Ghaffārī.

al-'Āmilī, Muḥammad ibn al-Ḥassan, *Amal al-āmil fī 'ulamā' Jabal 'Āmil*, 2 volumes, Najaf,1965.

----------,*Wasā'il al-Shī'a ilā taḥṣīl masā'il al-Sharī'a,* Tehran, 1963, ed. by 'Abd al-Raḥmān al-Rabānī.

al-Ḥilli,(al-'Allāma), al-Ḥassan ibn Yūsuf, *al-Alfayn fī Imāmat Amīr al-Mu'minīn,* Beirut, 1982.

------------,*Mabādi' al-wuṣūl ilā 'ilm al-Uṣūl*, Beirut, 1986.

------------,*Minhāj al-karāma fī Bāb al-Imāma,* edited by Muḥammad Rashād, Cairo, 1962.

------------,*Mukhtalaf al-Shī'a fī aḥkām al-sharī'a,* Tehran, 1905.

------------,*Muntahā al-maṭlab fī taḥqīq al-madhhab,* Beirut, 1983.

------------,*Nahj al-ḥaqq wa kashf al-ṣidq,* ed. by Riḍā al-Ṣadr, Beirut, 1982.

al-Ḥillī,(al-Muḥaqqiq), Ja'far ibn al-Ḥasan, *Ma'ārij al-uṣūl*, Qumm,1983.

-------------,*al-Mukhtaṣar al-nāfi' fī fiqh al-Imāmiyya*, Tehran, 1982.

-------------,*Sharā'i' al-Islām fī masā'il al-ḥalāl wa-l-ḥarām,* 2 volumes, Beirut, 1983.

Ibn Bābawayh, Muntajab al-Dīn, *Fihrist asmā' 'ulamā' al-Shī'a wa-muṣannifīhim,* Beirut, 1986, edited by 'Abd al-'Azīz al-Ṭabāṭabā'ī.

Ibn Shahrāshūb, Muḥammad ibn 'Alī, *Ma'ālim al-'ulamā'*, edited by Muḥammad Ṣādiq Baḥr al-'Ulūm, Beirut, 1985.

al-Karakī, 'Alī ibn 'Abd al-'Ālī, *Rasā'il al-Muḥaqqiq al-Karakī,* 2 volumes, Qumm, 1989, edited by Zuhayr al-Ḥassūn.

-----------,*Jāmi' al-maqāṣid*, 13 volumes, edited by Mu'assasat Ahl al-Bayt li-Iḥyā' al-Turāth, Beirut, 1988.

al-Mufīd, Muḥammad ibn al-Nu'mān, *al-I'lām bi-mā ittafaqat 'alayhi al-Imāmiyya min al-aḥkām*,edited by Muḥammad al-Ḥasūn in *Silsilat mu'allafāt al-Shaykh al-Mufīd*, Vol.IX, Beirut, 1993.

----------,*Kitāb al-Irshād* (*the Book of guidance into the lives of the Twelve Imams*), translated by I.K A Howard, London, 1981.

Al-Murtaḍā, al-Sharīf 'Alī ibn al-Ḥusayn, *al-Dharī'a ilā uṣūl al-sharī'a,* 2 volumes, edited by Abu al-Qāsim al-Karjī,

------------,*Dīwān al-Sharīf al-Murtaḍā,* 2 volumes, edited by Rashīd al-Ṣaffār, Beirut, 1987.

------------,*al-Intiṣār,* edited by Muḥammad Riḍa al-Khirsān, Beirut,1982.

-----------,*Rasā'il al-Sharīf al-Murtaḍā,* 3 volumes, edited by Aḥmad al-Ḥusaynī, Qumm, 1985.

-----------,*al-Shāfī fī l-Imāma*, 4 volumes, annotated by Sayyid 'Abd al-Zahrā' al-Ḥusaynī al-Khaṭīb, Beirut, 1987.

-----------, *Sharḥ al-Masā'il al-Nāṣiriyya,* Tehran, 1859.

al-Najāshī, Aḥmad ibn 'Alī, *al-Rijāl,* Najaf, 1972; and Beirut, 1988, 2 volumes.

Al-Raḍī, al-Sharīf Muḥammad ibn al-Ḥusayn, *Ḥaqā'iq al-ta'wīl wa-mutashābah al-tanzīl,* edited by 'Abd al-Ḥusayn al-Ḥillī, Najaf, 1933.

Al-Shahīd al-Awwal, Muḥammad ibn Makkī, *al-Lum'a al-Dimashqiyya,* Najaf, 1976.

-----------,*al-Qawā'id wa-l-fawā'id,* edited by 'Abd al-Hādī al-Ḥakīm, Vol.I, Najaf, 1974.

al-Shahīd al-Thānī, Zayn al-Dīn, *Kashf al-Rība 'an Aḥkām al-Ghība*, Qumm, 1982.

-----------,*Munyat al-Murīd fī ādāb al-Mufīd wa-l-Mustafīd*, Beirut, 1982.

-----------,*al-Rawḍa al-bahiyya fī sharḥ al-Lum'a al-Dimashqiyya,* Najaf, 1976.

Al-Ṭūsī, Muḥammad ibn al-Ḥasan, *al-Fihrist,* Beirut, 1983.

-----------,*al-Iqtiṣād fī mā yata'allaq bi-l-I'tiqād*, Beirut, 1986.

-----------,*al-Mabṣūṭ fī fiqh al-Imāmiyya,* annoted by Muḥammad Taqī al-Kashfī, Tehran, 1968.

,*Masā'il hāmma min Kitāb al-Khilāf* ed. by Maḥmūd Shihābī, Tehran, 1978.

-----------,*al-Rijāl,* ed. by Muḥammad Sādiq Baḥr al-'Ulūm, Najaf, 1966.

-----------,*Tahdhīb al-aḥkām* 10 volumes, edited by Sayyid Ḥasan al-Khirsān, Beirut, 1986.

-----------,*Tamhīd al-uṣūl fī 'ilm al-kalām,* annotated by Dr 'Abd al-Muḥsin Mashkā, Qumm, 1984.

———————,*al-Tibyān fī tafsīr al-Qur'ān,* 10 volumes, Najaf, 1956.

-----------,*'Uddat al-uṣūl,* Bombay, 1894.

2-OTHER PRIMARY SOURCES

Ibn al-Fuwaṭī,'Abd al-Razzāq, *al-Ḥawādith al-Jāmi'a*, ed. by Muṣṭafā Jawād, Baghdad, 1954.

Ibn al-'Imād, *Shadharāt al-dhahab fī akhbār man dhahab,* Vol. III, Cairo, 1932.

Ibn al-Jawzī, 'Abd al-Raḥmān ibn 'Alī, *al-Muntaẓam fī tārīkh al-Mulūk wa-l-Umam,* Vol.VIII, Beirut, 1983.

Ibn Jubayr, Muḥammad ibn Aḥmad, *Ryḥlat Ibn Jubayr,* Beirut, 1981.

Ibn Kathīr, 'Alī ibn Muḥammad, *al-Bidāya wa-l-nihāya,* Cairo, 1932.

Ibn Khallikān, Aḥmad ibn Muḥammad, *Wafayāt al-a'yān,* Vol. II, Cairo, 1947.

Ibn al-Nadīm, Muḥammad ibn Isḥāq, *al-Fihrist,* Cairo, 1956.

Ibn Ṭāwūs, Raḍī al-Dīn 'Alī, *Kashf al-Maḥajja li-thamart al-Muhja,* Najaf, 1950.

Ibn Taghribirdī, Yūsuf ibn 'Abd Allah, *al-Nujūm al-zāhira fī mulūk Miṣr wa-l-Qāhira,* Cairo, 1956.

Ibn Taymiyya, Shaykh al-Islām, *Minhāj al-Sunna al-Nabawiyya,* edited by Muḥammad Rashād, Cairo, 1962.

Ibn al-Ṭiqṭaqā, Muḥammad ibn 'Alī, *al-Fakhrī fī l-ādāb al-ṣulṭāniyya*, Beirut, 1980.

al-Majlisī, Muḥammad Bāqir, *Biḥār al-anwār*, Vol. 107, Beirut, 1981, edited by 'Abd al-Raḥīm al-Rabbānī.

al-Shāfi'ī, al-Imām, *Risālat al-Imām al-Shāfi'ī,* Cairo, 1939.

al-Tawḥīdī, Abu Ḥayyān, *al-Imtā' wa-l-mu'ānasah*, Qumm, 1992.

Yāqūt al-Ḥamawī, *Mu'jam al-Buldān,* Vol. 3, Beirut, 1976.

3-SECONDARY SOURCES

'Abd al-Ḥamīd, al-Sulṭān, *Mudhakkarāt al-Sulṭān 'Abd al-Ḥamīd*, translated and edited by Muḥammad Ḥarb, Damascus, 1991.

'Abd al-Nabī al-Kāẓimī, *Takmilat al-rijāl*, 2 volumes, Najaf, 1974, edited by Muḥammad Ṣādiq Baḥr al-'Ulūm.

Abdole Karim Lahidji, "Constitutionalism and clerical authority", in Arjomand, S.A.(ed), *Authority and political culture in Shi'ism,* New York, 1988.

Āl Yāsīn, Muḥammad Mufīd, *al-Ḥayāt al-fikriyya fī l-'Irāq fī l-qarn al-sābi' al-hijrī,* Baghdad, 1979.

al-'Alawī, Ḥasan, *al-Shī'a wa-l-dawla al-qawmiyya fī al-'Irāq (1914-1990)*, London, 1990.

'Amāra, Muḥammad, *al-Majmū'a al-kāmila li-mu'allafāt al-Kawākibī,* Beirut,1980.

al-Amīn, Ḥassan, *Dā'irat al-ma'ārif al-Shī'iyya*, 6 volumes, Beirut,1984.

----------,*al-Ghazw al-Maghūlī li-l-Bilād al-Islāmiyya,* Beirut, 1976.

al-Amīn, Muḥsin, *A'yān al-Shī'a*, 10 volumes, Beirut,1982.

Al-Amīnī, 'Abd al Ḥusayn, *Shuhadā' al-faḍīla,* Beirut,1983.

Anṣāriyyān, 'Alī, (ed.), *Dustūr al-Jumhuriyya al-Islāmiyya al-Īrāniyya,* Beirut, 1985.

Ardabīlī, Aḥmad, *Majma' al-fā'ida wa-l-burhān,* ed. by Muḥsin al-'Irāqī, Qumm, 1982.

al-Ardabīlī, Ṣafī al-Dīn, *Kitāb al-Būyūruq aw al-Manāqib fī ādāb al-Ṭarīqa al-Ṣ ūfiyya,* translated from Turkish by Aḥmad Ḥāmid al-Ṣarrāf, Baghdad, 1954, and republished in Beirut, 1982.

Arjomand, Said Amir, "Introduction: Shi'ism, Authority, and Political Culture", in Arjomand, S. A. (et). *Authority and Political Culture in Shi'ism*, New York, 1988.

Al-Asadī, Ḥasan, *Thawrat al-Najaf,* Baghdad, 1974.

Asgar 'Alī, M.M. Jaffer, *An outline history of Khoja Shī'a Ithna'asharī in Eastern Africa,* London, 1983.

al-'Askarī, Murtaḍā, *Khamsūn wa-mi'at Ṣaḥābī mukhtalaq,* Baghdad, 1972.

-----------,*Ma'ālim al-madrasatayn*, Beirut, 1990.

'Aṭiyya, Ghassān, *al-'Iraq, nash'at al-dawla*, Ph.D. thesis, Edinburgh University, 1968, translated by A. A. Wahab, Beirut, 1988.

Aziz, T. M., "The role of Muḥammad Bāqir al-Ṣadr in Shī'ī political activism in Iraq from 1958-1980", *International Journal of Middle East Studies,* 25, 1993.

------------,"The meaning of History : A study of the views of Muḥammad Bāqir al-Ṣadr", *Islamic Studies,* Vol.31, No.2, 1992.

al-Bahā'ī, al-Shaykh, *Ḥurmat dhabā'iḥ Ahl al-Kitāb*, ed. by Zuhayr al-A'rajī, Beirut, 1990.

-----------, *Jāmi' 'Abbāsī,* Iṣfahān, 1910.

al-Bahbūdī, Muḥammad Bāqir, *Zubdat al-Kāfī,* 4 volumes, Beirut, 1981.

Baḥr al-'Ulūm, Ja'far, *Tuhfat al-'ālim fī sharḥ khuṭbat al-Ma'ālim,* 2 volumes, Qumm, 1982.

Baḥr al-'Ulūm, Muḥammad, "al-Dirāsah wa-tārīkhuhā fī al-Najaf", in al-Khalīlī, Ja'far, *Mawsū'at al-'Atabāt al-Muqaddasa,* Beirut, 1966.

al-Baḥrānī, Yūsuf, *al-Ḥadā'iq al-Nāḍira fī Aḥkām al-'itra al-Ṭāhira*, Vol. 1, Beirut, 1985.

------------,*al-Kashkūl,* Vol.II, Beirut, 1987.

————,*Lu'lu'at al-Baḥrayn,* annoted by Muḥammad Ṣādiq Baḥr al-'Ulūm, Beirut, 1986.

Balyuzi, H. M., *Bahā'u'llah: The King of Glory,* Oxford, 1980.

Bāqī, A, *Dar shanakhtaya Ḥizba qā'idīna zamān*, (in Persian), Qumm, 1983.

Bāshā, Ḥasan, *Dirāsāt fī Tārīkh al-Dawla al-'Abbāsiyya,* Cairo, 1975.

Batatau, Hanna, "Shī'ī organizations in Iraq: al-Da'wa al-Islāmiyya and al-Mujahidīn", in *Shi'ism and Social protest*, edited by Juan R.I.Cole and Nikki Keddie, New Haven, 1986.

al-Bāzirgān, 'Alī, *al-Waqā'i' al-khafiyya fī l-Thawra al-'Irāqiyya,* Baghdad, 1954.

Bell, Gertrude, *Review of Civic Administration of Mesopotamia (Cmd.1916),* translated into Arabic by Ja'far al-Khayyāṭ under the title *Fuṣūl min tārīkh al-'Irāq al-qarīb*, Beirut, 1949, and republished in 1964.

Browne, Edward G., *The Persian Revolution of 1905-1909*, London, 1966.

Burne, A. H., *Mesopotamia: the last phase*, London, 1936.

Calder, Norman, "Accommodation and Revolution in Imami Shi'i Jurisprudence: Khumayni and the Classical Tradition", *Middle Eastern Studies,* 18, 1982.

--------, *The Structure Of Authority In Imāmī Shī'ī Jurisprudence*, PhD thesis, School Of Oriental And African Studies, 1980.

Calmard, J., "Ḳum", *Encyclopaedia of Islam,* 2 ed., Vol. V, Leiden, 1986.

Dabashi, Hamid, "Mulla Aḥmad al-Narāqī and the Question of the Guardianship of the Jurisconsult: *Wilāyat al-faqīh,* in Naṣr, Seyyed Hossein, (ed.), *Expectation of the Millennium:Shi'ism in History,* New York, 1989.

Al-Daffā‘, Abd Allah, *Nawābigh ‘Ulamā' al-‘Arab wa-l-Muslimīn fi al-Riyāḍiyāt,* Cairo, 1977.

al-Dahhān, Sāmī, *'Abd al-Raḥmān al-Kawākibī,* Cairo, 1977.

Davies, C. Collin, "Buwayhids" or"Būyids", *TheEncyclopaedia of Islam*, 2 ed., Vol.I, London, 1960.

Donaldson, Dwight M, *The Shi'ite religion,* London, 1933.

al-Dujaylī, Ḥasan, *al-'Ilāqāt al-Īrāniyya al-'Irāqiyya khilāl khamsat qurūn,* Beirut, 1987.

First Encyclopaedia of Islam, 1st ed., Leiden, 1913-1936.

Fāḍil, Rasūl, "al-Dīn wa-l-dawla wa-ṣirā‘āt al-shar‘iyya", *al-Ḥiwār,* No 6, Beirut, 1987.

al-Faḍlī, ‘Abd al-Hādī, *Fi dhikrā Abī,* (manuscript in the writer position).

al-Faqīh, Muḥammad Taqī, *Jabal 'Āmil fī l-tārīkh,* Beirut, 1986.

al-Fayḍ al-Kāshānī, Muḥammad Muḥsin, *Kitāb al-wāfī*, Tehran, 1910.

Foster, Henry A., *The making of Modern Iraq*, London, 1936.

Ghurayfi,Muḥyī al-Dīn, *Qawā'id al-ḥadīth,* Beirut, 1982.

Glassé, Cyril, *The Concise Encyclopaedia of Islam*, London, 1989.

al-Hā'irī, Kāẓim, *Mabāḥith al-uṣul,* Vol. I, Qumm, 1987.

al-Ḥakīm, Ḥasan, *al-Shaykh al-Ṭūsī,* Najaf, 1975.

al-Ḥakīm, Muḥammad Bāqir, *Min naḍarāt Jamā'at al-'Ulamā',* Tehran, 1981.

al-Ḥakīm, Muḥammad Taqī, *al-Uṣūl al-'āmma li-l-fiqh al-muqāran,* Beirut, 1979.

Halm, Heinz, *Shi'ism*, Translated from German by Janet Watson, London, 1990.

al-Ḥasanī, ‘Abd al-Razzāq, *al-'Irāq qadīman wa-ḥadīthan,* Ṣaydā, 1956.

al-Hāshimī, Maḥmūd, *Buḥūth fi 'ilm al-uṣūl,* 8 Volumes, Qumm, 1989.

Hidayet, Hosain, M., "al-Ṭūsī", *The First Encyclopaedia of Islam*, Vol.VIII, Leiden, 1987.

al-Ḥillī, Ja‘far, *Siḥr Bābil wa saja' al-Balābil*, Beirut, 1988, comment ed by Muḥammad Ḥusayn Kāshif al-Ghiṭā'.

Hirz al-Dīn, Muḥammad, *Ma'ārif al-rijāl,* 3 volumes, ed.by Muḥammad Ḥusayn Hirz al-Dīn, Najaf, 1965.

Hughes, Thomas Patrick, *Dictionary of Islam,* London, 1896.

Ḥusaynī, Aḥmad, *Fihrist Nuskhahāy khaṭṭī Kitāb Khāna 'Umūmī Ḥaḍrat Āyat Allāh al-'Uẓmā Najafī Mar'ashī,* (in Persian), 18 Volumes, Qumm, 1975.

al-Ḥusaynī, Muḥammad ibn Hāshim, *Khulāṣat al-Buldān*, Qumm, 1975, ed. by Ḥusayn al-Mudarrisī.

Ibn Bishr, 'Uthmān, *'Unwān al-majd fī tā'rīkh Najd,* al-Riāḍ, 1972.

al-Iṣfahānī, Muḥammad Mahdī, *Aḥsan al-wadī'a fī tarājim mashāhīr Mujtahidī al-Shī'a,* Najaf, 1962.

Ismā'īl, Nūrī 'Alā', *'Ilm al-ijtimā' al-siyāsī li-l-Shī'a al-Ithnā'ashariyya,* Tehran, 1979.

al-Jābirī, 'Alī Ḥusayn, *al-Fikr al-salafī 'ind al-Shī'a al-Imāmiyya*, Beirut, 1977.

al-Jaṣṣāṣ,Aḥmad ibn 'Alī, *Sharḥ al-Mukhtaṣar fī uṣūl al-fiqh,* Manuscript, Dār al-Kutub al-Miṣriyya, No. 25567.

al-Jumaylī, Rashīd 'Abdallāh, *Dirāsa fī tārīkh al-Khilāfa al-'Abbāsiyya,* Rabaṭ, 1983.

al-Karakī, Ḥusayn, *Hidāyat al-abrār ilā ṭarīq al-a'imma al-aṭhār,* Najaf, 1977.

Karjī, Abū al-Qāsim, "Naẓra fī taṭawwur 'ilm al-uṣūl", *al-Thaqāfa al-Islāmiyya,* No. 7, Beirut, 1986.

Kāshif al-Ghiṭā', 'Alī, *Adwār 'ilm al-fiqh wa-aṭwāruh,* Beirut, 1979.

Kāshif al-Ghiṭā', 'Alī, *al-Khiyārāt*, Tehran, 1900.

Kāshif al-Ghiṭā', Ḥasan, *Anwār al-faqāha,* Tehran, 1898.

Kāshif al-Ghiṭā', Ja'far, *Manhaj al-rashād li-man arāda al-sadād,* Najaf, 1924; and reprinted in Qumm, 1993, with notes by Mahdī al-Rajā'ī.

Kāshif al-Ghiṭā', Muḥammad Ḥusayn, *al-'Abaqāt al-'anbariyya fī ṭabaqāt al-Ja'fariyya,* (2 volumes, unpublished manuscript edited by Jawdat al-Qazwīnī).

Kattūra, Georges, *Ṭabā'i' al-Kawākibī fī ṭabā'i' al-istibdād,* Beirut, 1987.

Kawtharānī, Wajīh, "al-'Aṣr al-'Uthmānī", *al-Thaqāfa al-Jadīda,* No.5, Beirut, 1987.

-----------,*al-Faqīh wa-l-sulṭān,* Beirut, 1988.

Keddie, Nikki, *Religion and Rebellion in Iran, The Tobacco Protest of 1891-1892*, London, 1966.

al-Khalīlī, Ja'far, *Mawsū'at al-'atabāt al-muqaddasa, Qism Karbalā',* Beirut, 1966.

al-Khāqānī, 'Alī, *Shu'arā' al-Gharī,* Vol.III, Najaf, 1955.

al-Khū'ī, Abū al-Qāsim, *Mu'jam rijāl al-ḥadīth,* Vol. 22, Beirut, 1983.

al-Khumaynī, Ruḥ Allah, *al-Ḥukūma al-Islāmiyya,* Beirut, 1972,

Khuṣbāk, Ja'far Ḥusayn, *al-'Irāq ilā 'ahd al-Maghūl al-Īlkhāniyyīn,* Baghdad, 1968.

Khwansārī,Muḥammad Bāqir, *Rawḍāt al-jannā fi aḥwāl al-'ulamā' wa-l-sādāt,* 7 volumes,Tehran, 1957.

Kisā'ī, Nūrallāh, "Khawāja Niẓām al-Mulk al-Ṭūsī wa-l-Madāris al-Niẓāmiyya", *al-Thaqāfa al-Islāmiyya,* No. 6, Beirut, 1986.

Kizrawī, Aḥmad, *Bahā'īkrī,* (in Persian), Tehran, 1944.

Kohlberg, Etan, "Some Aspects of Akhbārī Thought",in ed. *Eighteenth-century renewal and reform in Islam*, New York, 1987.

-----------,"al-Usul al-Arba'umi'a", *Jerusalem Studies in Arabic and Islam*, Vol., 10, Jerusalem, 1987.

Lambton, Ann, *Qajar Persia*, London, 1987.

Lyell, Thomas, *The Ins and Outs of Mesopotamia,* London, 1923.

Madelung, W., "A Treatise of the Sharīf al-Murtaḍā on the legality of Working for Government", *Bulletin of the School of Oriental and African Studies,* XLIII, 1980.

————,"Authority in Twelver Shi'ism in the absence of the Imam", in G. Makdisi et al. (eds.), *La notion d'autorité au Moyen Age de l' Islam, Byzance, Occident*, Paris, Presses Universitaires de France, 1982.

al-Mahalātī, Dhabīḥ Allāh, *Ma'āthir al-kūbarā' fi Tārīkh Sāmarrā'*, Najaf, 1949.

Maḥbūba, Ja'far, *Māḍī al-Najaf wa-ḥāḍiruhā,* Vol.I, Beirut, 1984.

Maḥmūd, Ḥasan Aḥmad, *al-'Ālam al-Islāmī fī al-'aṣr al'Abbāsī,* Cairo, 1966.

Makkī, Kāẓim, *al-Ḥaraka al-fikriyya fī Jabal 'Āmil*, Beirut, 1974.

Makkī, Muḥammad 'Alī, *Lubnān min l-fatḥ al-'Arabī ilā l-fatḥ al-'Uthmānī,* Beirut, 1979.

Mallat, Chibli, "Religious militancy in contemporary Iraq: Muḥammad Bāqer as-Ṣadr and the Sunni-Shi'i paradigm", *Third World Quarterly*, Vol.10, No.2, April 1988.

-----------,*The Renewal of Islamic Law: Muhammad Baqer as-Ṣadr, Najaf, and the Shi'i International,* Cambridge, 1993.

Martin,Vanessa, *Islam and Modernism, The Iranian Revolution of 1906,* London 1989.

Momen, Moojan, *An Introduction to Shi'i Islam,* New Haven, 1985.

---------,"Authority and opposition in Twelver Shi'ism", in Burrel, R.M (ed.), *Islamic Fundamentalism,* London, 1989.

Moussavi, Ahmad Kazemi, "The establishment of the position of *Marja'iat al-Taqlīd* in the Twelver Shi'ite community", *Iranian Studies*, Vol.XVIII, No.1, 1985.

Ma'rūf, Nājī, *al-'Umla wa-l-nuqūd al-Baghdādiyya*, Baghdad, 1967.

al-Muhājir, Ja'far, "Bahā' al-Dīn al-'Āmilī", *al-Thaqāfa al-Islāmiyya*, No.16, Beirut, 1988.

-----------,*al-Hijrah al-'Āmiliyya ilā Irān fī l-'Aṣr al-Ṣafawī,* Beirut, 1990.

Muḥammad 'Alī, 'Abd al-Raḥīm, *Āghā Buzurk al-Ṭihrānī,* Najaf, 1970.

-----------,*al-Imām al-Khurāsānī,* Najaf, 1972.

Mughniyya, Muḥammad Jawād, *'Ilm al-uṣūl fī thawbihi al-jadīd,* Beirut, 1980.

Muḥyī al-Dīn, 'Abd al-Razzāq, *Adab al-Murtaḍā,* Baghdad, 1957.

Muqallad, 'Alī, *al-Nubūwa wa-l-Imāma fī fikr Naṣīr al-Dīn al-Ṭūsī,* Beirut, 1989.

Muṭahharī, Murtāḍā, *al-Harakā al-Islāmiyya fī al-qarn al-rābi' 'ashar,* Beirut, 1982.

-----------,*al-Islām wa-Īrān,* Beirut,1984.

Muruwwa, 'Alī, *al-Tashayyu' bayna Jabal 'Āmil wa-Īrān,* Beirut, 1987.

Al-Muẓaffar, Muḥammad Ḥusayn, *Tārīkh al-Shī'a,* Beirut, 1979.

al-Nafīsī, 'Abdallāh Fahd, *Dawr al-Shī'a fī ṭaṭawwur al-'Irāq al-siyāsī al-ḥadīth,* Beirut, 1973.

al-Nā'īnī,Muḥammad Ḥusayn, *Tanbīh al-umma wa-tanzīh al-milla,* translated from Persian by Ṣāliḥ al-Ja'farī, appeared in 1930-1931 under the title *al-Istibdād wa-l-dimuqrāṭiyya*, *al-'Irfān,* Vol. 20, Sidon,1930, and Vol, 21, 1931. *Tanbīh al-umma* published again in *al-Mawsim*, No.2, Beirut, 1990.

al-Najafī, Muḥammad Ḥasan, *Jawāhir al-Kalām fī Sharḥ Sharā'i' al-Islām*, Beirut, 1972.

Nājī, 'Abd al-Jabbār, *al-Imāra al-Mazyadiyya*, Baghdad, 1970.

Nakash, Yitzhak, *The Shi'is of Iraq*, New Jersey, 1994.

al-Narāqī, Aḥmad, *'Awā'id al-ayyām min muhimmāt adillat al-aḥkām*, Tehran, 1849, and reprinted in Qumm, 1982.

Nawār, 'Abd al-'Azīz, *al-Shu'ūb al-Islāmiyya,* Beirut, 1973.

Newman, Andrew J., "The nature of the Akhbārī-Uṣulī dispute in late Ṣafawid Iran", in two parts, *B SOAS,* Vol. LV, 1992.

Al-Nūrī, Mirzā Ḥusayn, *Mustadrak al-wasā'il wa-mustanbaṭ al-masā'il,* Vol.III, Tabrīz, 1880.

Personalities, Iraq (Exclusive of Baghdad and Kādhimain), confidential, Baghdad, 1920.

Philby, H.St. J. B., *Arabia*, London, 1930.

al-Qabānjī, Ṣadr al-Dīn, *al-Jihād al-siyāsī li-l-Shahīd al-Ṣadr,* Tehran, 1981.

al-Qazwīnī, Jawdat, *Mudhakkarāt 'Abbās al-Khū'ī,* (manuscript).

------------,"al-Bariṭāniyyūn wa-l-tashkīla al-Shī'iyya-al-Sunīyya: qirā'a fī wathīqa maghṭūṭa", *al-Ṣaḥwa*, No.4, London, 1995.

------------,*Mudhakkarāt Muḥammad Baḥr al-'Ulūm,* (manuscript).

------------."Sibq al-Qur'ān li-Waḍ' al-Qānūn al-Tā'rīkhī", *Risālatunā*, No. 6, Beirut, 1983.

------------,"al-Sāḥa al-Tārīkhiyya: Qirā'a fī fikr al-Shahīd al-Ṣadr", *al-Munṭalq*, No. 24, Beirut, 1984.

------------,*Mudhakkarāt Ṭālib al-Rifā'ī,* (manuscript).

al-Qazwīnī, Mahdī, *Ansāb al-Qabā'il al-'Irāqiyya*, Najaf, 1918, edited by Muḥammad Ṣādiq Baḥr al-'Ulūm; and edited by 'Abd al-Mawlā al-Ṭurayḥī, Najaf, 1957; and reprinted in al-Najaf 1967, 1972, 1991, and Qumm, 1993.

------------,*Fulk al-najāt fī aḥkām al-Hudāt,*Tabriz 1297/1879, and republished again in 1298/1880.

--------------,*'Ilm al-isti'dād li-taḥṣīl malakat al-ijtihād,* (manuscript).

--------------, *al-Insān fī 'awālimihī al-thalātha*, Beirut, 1988, edited by Jawdat al-Qazwīnī.

al-Qummī, 'Abbās, *al-Kunā wa-l-alqāb,* Vol. III, Najaf, 1969.

al-Qummī, al-Ḥasan ibn Muḥammad, *Kitāb Qumm*, Tehran, 1935, ed. by Jalāl al-Dīn al-Muḥaddith.

al-Qazzāz, Muḥammad Ṣāliḥ Dāwud, *al-Ḥayāt al-siyāsiyya fī al-'Irāq fī 'ahd al-ṣayṭara al-Maghūliyya,* Najaf, 1970.

Al-Rashtī, Kāẓim, *Dalīl al-mutaḥayyirīn*, Kuwait, 1978.

al-Rāwī, Ibrāhīm, *Dā'ī al-rashād ilā sabīl al-ittiḥād*, Baghdad, 1929.

Richard, Yann, *Shi'ite Islam: Polity, Ideology, and Creed,* translated from German into English by Antonia Nevill, Oxford, 1995.

Rihani, Ameen, *Ibn Sa'oud of Arabia,* London, 1928.

Sachedina, Abdulaziz, A., *Haji Naji, the great religious educator of the Khoja Shī'a Ithnā'asharī Community*, Canada, 1992.

al-Ṣadr, Ḥasan, *Ta'sīs al-Shī'a li 'ulūm al-Islām*, Baghdad, 1954.

Al-Ṣadr, Muḥammad Bāqir, *Durūs fī 'ilm al-uṣūl*, Vol:1, Qumm, 1991.

-----------,*al-Fatāwā al-wāḍiḥa*, Beirut, 1983.

,*al-Ma'ālim al-jadīda li-l-uṣūl,* Najaf, 1972.

----------,*al-Marja'iyya al-ṣāliḥa* in al-Hā'irī, Kāẓim, *Mabāḥith al-uṣul,* Qumm, 1984.

----------,*al-Miḥna*, Qumm, 1982.

----------,*Muḥāḍarāt fī al-tafsīr al-mawḍū'ī li-l-Qur'ān,* Beirut, 1982.

al-Ṣadr, Riḍā, *al-Ijtihād wa-l-taqlīd,* Beirut, 1976.

Salmān, 'Abd al-Hādī, *Īrān fī sanawāt al-Ḥarb al-'Ālamiyya al-Thāniya,* Baṣra, 1986.

al-Sāmarrā'ī, Yūnis, *Ta'rīkh madīnat Sāmarrā',* Vol. II, Baghdad, 1971.

-------------,*Tārīkh 'ulamā' Sāmarrā'*, Baghdad, 1966.

Sha'bān, Muḥammad 'Abd al-Ḥayy, *al-Dawla al-'Abbāsiyya,* Beirut, 1981.

---------,*The 'Abbāsid Revolution,* London, 1970.

Shaikh, Farzana, *Islam and Islamic Groups: A worldwide reference guide*, London, 1992.

Shāmiyya, Jibrān, *Āl Sa'ūd, māḍihum wa-mustaqbaluhum,* Beirut, 1990.

Shams al-Dīn, Muḥammad Mahdī, *al-Umma wa-l-Dawla wa-l-Ḥaraka al-Islāmiyya,* Beirut, 1994.

al-Shībī, Kāmil Muṣṭafā, *al-Ṣila bayn-l-taṣawwuf wa-l-tashayyu',* Vol.II, Beirut, 1982.

al-Shihābī, Maḥmūd, *Taqrīrāt al-uṣūl,* Tehran, 1976.

Shimamoto, Takamitsu, "Some reflections on the origin of Qum, myth and history", *Orient*, Vol. XXVII, 1991.

Shīrāzī,Mulla Ṣadrā, *al-Asfār al-arba'a,* Vol. I, Tehran, 1964.

Silverfarb, Daniel, *Britain's informal Empire in the Middle East : A case study of Iraq 1929-1941*, New York, 1986.

Smith, John Masson, *The history of the Sarbadār Dynasty 1336-1381 A. D. and its Sources,* Paris, 1970.

Subḥānī, Ja'far, "Taṭawwur al-fiqh 'ind al-Shī'a", *Turāthunā,* No. 2, Qumm, 1982.

al-Suhrawardī, Ṣāliḥ, *Lubb al-albāb,* Vol. II, Baghdād, 1934.

al-Suwiydī,'Abd Allah, *al-Ḥujaj al-Qaṭ'iyya li-Ittifāq al-firaq al-Islāmiyya*, Cairo, 1906.

Sykes, Sir Percy, *History of Persia,* London, 1963.

Tabataba'i, Hossein Modarressi, *An Introduction to Shī'i Law*, London, 1984.

al-Tabrīzī, Mulla 'Abd Allah Afandī, *Riyāḍ al-'ulamā' wa-ḥiyāḍ al-fuḍalā'*, Vol. III, Qumm, 1981.

Ṭāhā, Badr M., *Maghūl Īrān bayna l-Masīḥiyya wa-l-Islām*, Cairo, 1961.

al-Ṭihrānī, Āghā Buzurk Muḥsin, *al-Anwār al-Ṣāṭi'a fī l-Mi'a al-sābi'a*, edited by Alī Naqī al-Munzawī, Beirut, 1972.

————,*al-Dharī'a ilā taṣānīf al-Shī'a,* Vol.VI, Beirut,.1982.

-----------,*al-Ḥaqā'iq al-rāhina fī l-mi'a al-thāmīna,* Beirut, 1975.

-----------,*Nuqabā' al-bashar fī rijāl al-qarn al-rābi' 'ashar,* Vol.I, Qumm, 1982.

al-Tusturī, Qāḍī Nūr Allāh, *Iḥqāq al-ḥaqq wa-izhāq al-bāṭil,* 26 Volumes, edited with notes by Sayyid Shihāb al-Dīn al-Mar'ashī, Qumm, 1958-85.

'Umar, Fārūq, *al-Khilāfa al-'Abbāsiyya,* Baghdad, 1986.

Upton, J., *The History of Modern Iran: an interpretation*, Harvard, 1961.

al-Ūrdubādī, Muḥammad 'Alī, *al-Mathal al-a'lā fī tarjamat Abī Ya'lā*, edited. by Jawdat al-Qazwīnī, Beirut, 1993.

Ūrkhān, Muḥammad 'Alī, *al-Sulṭān 'Abd al-Ḥamīd al-Thānī*, Kuwait, 1986.

al-Wardī, 'Alī, *Lamaḥāt ijtimā'iyya min tārīkh al-'Irāq al-ḥadīth,* 8 Volumes, Baghdad, 1969-71.

Wilber, D., *Iran past and present,* New Jersey, 1967.

Wiley, Joyce N., *The Islamic Movement of Iraqi Shi'as,* Boulder, 1992.

Wilson, Sir Arnold T., *Loyalties: Mesopotamia 1914-1917*, Oxford, 1930.

Winder, R. Bayly, *Saudi Arabia in the Nineteenth Century*, New York, 1965.

al-Ya'qūbī, Muḥammad 'Alī, *al-Bābiliyyāt,* Vol.II, Najaf, 1955.

4-INTERVIEWS BT THE WRITER

Interview with Ḍiyā' Ishkāra, Baghdad, 1976.

Interview with Sayyid Ḥamīd al-Qazwīnī, al-Hindiyya (Iraq), 1975.

Interview with Ḥusayn al-Ṣadr, London, 1 February, 1990.

Interview with Muḥammad Taqī al-Khū'ī, London, 5 November 1988.

Interview with Sayyid Murtaḍā al-'Askarī, London, summer of 1991.

Interview with Sayyid Riḍā al-Ṣadr, London, 1990.

Interview with Ṣādiq Hādī al-Baṣṣām, London, 1991.

Interview with Sayyid Ṭālib al-Rifā'ī, Cairo, March, 1983.